

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA

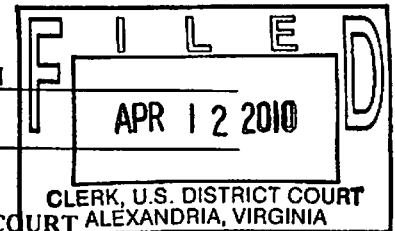
Alexandria Division

In re Qimonda AG

Case No. 09-14766-RGM

Adv. Proceeding No.

Debtor(s)



TRANSMITTAL OF RECORD ON APPEAL TO DISTRICT COURT

Pursuant to 28 U.S.C. 158, Notice of Appeal was filed herein on February 26, 2010.

The parties included in the Appeal to the District Court:

APPELLANT(S): United States International Trade Commission

ATTORNEY: Robert K. Coulter, Assistant U. S. Attorney (703) 299-3745
2100 Jamieson Avenue
Alexandria, VA 22314

APPELLEE (S): Administrator of the Qimonda AG Estate, Dr. Michael Jaffe
United States Trustee, 115 S. Union St., Ste 210 Alexandria, VA 22314

ATTORNEY: Jeffrey A. Showalter, Esquire (703) 760-7700 [Counsel to Administrator]
Morrison & Foerster, LLP
1650 Tyons Boulevard, Suite 400, McLean, VA 22102

Brief Description of Judgment/Order Appealed: Memorandum of Opinion - (Docket Entry # 233) and
Order, Automatic Stay is in Full Force and Effect - (Docket Entry # 234)

Date Judgment/Order Entered: February 16, 2010

1. Filing Fees: A. Notice of Appeal - Filing Fee \$5.00 () Paid () Not Paid (x) Filing Fees Exempt
B. Appeal Docket Fee - \$250.00 () Paid () Not Paid () Deferred. See attached Request
2. (X) Notice of Appeal, Order/Judgment, True Copy Teste of Docket Record, and Designation(s) [if any]
3. () No Designation of Record on Appeal filed (See Certification Below)
4. () Copies of items designated by Appellant/Appellee have/have not been submitted pursuant to FRBP 8006 and LBR 8006-1.

Date: April 09, 2010

WILLIAM C. REDDEN, Clerk of the Court
By: /s/ Denise S. Williams, Deputy Clerk

CERTIFICATION TO APPELLATE COURT

It is hereby certified that the designation of record required by Federal Rule of Bankruptcy Procedure 8006 and Local Bankruptcy Rule 8006-1 has not been filed within 14 days after the filing of the notice of appeal.

WILLIAM C. REDDEN, Clerk of the Court
By: _____, Deputy Clerk

District Clerk - Please complete and return second copy.

DISTRICT COURT CASE NUMBER 1:10-cv-367-TSE/JFA Date 4/12/2010

cc: Attorney for Appellant(s)
Attorney for Appellee(s)

[apptrans ver. 12/09]

Appeal

**U.S. Bankruptcy Court
Eastern District of Virginia (Alexandria)
Bankruptcy Petition #: 09-14766-RGM**

Date filed: 06/15/2009

Assigned to: Robert G. Mayer
Chapter 15
Voluntary
Asset

Debtor
Qimonda AG
Gustav-Heinermann-Ring 212, 81739
Munich, GE 22314

represented by **Jeff A. Showalter**
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Filing Date	#	Docket Text
06/15/2009	1	Petition for Recognition of Main Foreign Proceeding Filed by Jeff A. Showalter of Morrison & Foerster, LLP on behalf of Qimonda AG. (Shepherd, Anthony)
06/15/2009	2	Receipt of Petition Filing Fee. Receipt Number 123237 Fee Amount \$ 1039.00 (Shepherd, Anthony)
		Statement : Request For Waiver To File By Computer Diskette Or

06/15/2009	3	Conventionally filed by Jeff A. Showalter of Morrison & Foerster, LLP on behalf of Qimonda AG. (Glenn, Jillinda) (Entered: 06/16/2009)
06/15/2009	4	Notice of Appearance and Request For Service Of Papers and counsel to Dr. Michael Jaffe' filed by Jeff A. Showalter of Morrison & Foerster, LLP on behalf of Qimonda AG. (Glenn, Jillinda) (Entered: 06/16/2009)
06/15/2009	5	Motion to Appear Pro Hac Vice Brett H. Miller filed by Jeff A. Showalter of Morrison & Foerster, LLP on behalf of Qimonda AG. (Attachments: # 1 Proposed Order) (Glenn, Jillinda) (Entered: 06/16/2009)
06/15/2009	6	Motion to Appear Pro Hac Vice Todd M. Goren filed by Jeff A. Showalter of Morrison & Foerster, LLP on behalf of Qimonda AG. (Attachments: # 1 Proposed Order) (Glenn, Jillinda) (Entered: 06/16/2009)
06/15/2009	7	Motion to Approve : Verified Petition for Recognition of a Foreign Main Proceeding and Motion for Permanant Injunction and Related Relief filed by Jeff A. Showalter of Morrison & Foerster, LLP on behalf of Qimonda AG. (Attachments: # 1 Proposed Order) (Glenn, Jillinda) (Entered: 06/16/2009)
06/15/2009	8	Memorandum of Law in Support of Petition for Recognition of a Foreign Main Proceeding and Motion for Permanant Injunction and Related Relief filed by Jeff A. Showalter of Morrison & Foerster, LLP on behalf of Qimonda AG. (Glenn, Jillinda) (Entered: 06/16/2009)
06/15/2009	9	Motion to Approve : Application for Order Scheduling Hearing and Specifying the Form and Manner of Service and Notice filed by Jeff A. Showalter of Morrison & Foerster, LLP on behalf of Qimonda AG. (Attachments: # 1 Proposed Order) (Glenn, Jillinda) (Entered: 06/16/2009)
06/15/2009	10	Statement of Rechtsanwalt Dr. Michael Jaffe' filed by Jeff A. Showalter of Morrison & Foerster, LLP on behalf of Qimonda AG. (Glenn, Jillinda) (Entered: 06/16/2009)
06/15/2009	11	Declaration of Ursula Schlegel filed by Jeff A. Showalter of Morrison & Foerster, LLP on behalf of Qimonda AG. (Attachments: # 1 Exhibit(s) # 2 Exhibit(s) # 3 Exhibit(s) # 4 Exhibit(s) # 5 Exhibit(s))(Glenn, Jillinda) (Entered: 06/16/2009)
		Declaration of Thomas Seifert(Re: related document(s) 7 Motion

06/15/2009	12	<i>to Approve filed by Qimonda AG) filed by Jeff A. Showalter of Morrison & Foerster, LLP on behalf of Qimonda AG. (Glenn, Jillinda) (Entered: 06/16/2009)</i>
06/15/2009	13	Declaration of Rechtsanwalt Dr. Christian Pleister (Re: related document(s) 7 Motion to Approve filed by Qimonda AG) filed by Jeff A. Showalter of Morrison & Foerster, LLP on behalf of Qimonda AG. (Glenn, Jillinda) (Entered: 06/16/2009)
06/16/2009	14	Notice of Appearance and Request for Service of Papers filed by Dion W. Hayes of McGuireWoods LLP on behalf of Qimonda Richmond, LLC. (Hayes, Dion)
06/16/2009	15	Motion to Appear Pro Hac Vice Motion for Admission of Mark J. Thompson, Morris J. Massel and Terry Sanders to Appear Pro Hac Vice filed by Dion W. Hayes of McGuireWoods LLP on behalf of Qimonda Richmond, LLC. (Hayes, Dion)
06/18/2009	16	Order Scheduling Hearing and Specifying the Form and Manner of Service of Notice (Re: related document(s) 9 Motion to Approve filed by Qimonda AG) Hearing scheduled 7/22/2009 at 11:00 AM at Judge Mayer's Courtroom, 200 South Washington Street, 3rd Floor, Courtroom III, Alexandria, VA. (Lewis, Barbara)
06/18/2009	17	Notice of Deficient Filing Issued to Jeff Showalter regarding Declaration of Divisional Venue (Re: related document(s) 1 Petition for Recognition of Foreign Proceeding filed by Qimonda AG) Document(s) due by 6/29/2009. (Glenn, Jillinda)
06/18/2009	18	Declaration of Divisional Venue filed by Jeffrey Anderson Showalter of Morrison & Foerster LLP on behalf of Qimonda AG. (Showalter, Jeffrey)
06/20/2009	19	Notice of Deficient Filing (Re: related document(s) 17 Notice of Deficient Filing Issued) (Admin.) (Entered: 06/21/2009)
06/20/2009	20	BNC certificate of mailing of order (Re: related document(s) 16 Order Continuing/Rescheduling/Setting Hearing) (Admin.) (Entered: 06/21/2009)
06/23/2009	21	Emergency Motion for Preliminary Injunction / Emergency Motion for Provisional Injunctive Relief Pending Recognition of Foreign Main Proceeding, in the Form of a Preliminary Injunction After Notice and a Hearing filed by Jeffrey Anderson Showalter of Morrison & Foerster LLP on behalf of Qimonda AG. (Showalter, Jeffrey)

06/23/2009	22	Certificate of Service (Re: related document(s) <u>1</u> Petition for Recognition of Foreign Proceeding filed by Qimonda AG, <u>7</u> Motion to Approve filed by Qimonda AG, <u>16</u> Order Continuing/Rescheduling/Settting Hearing) filed by Jeffrey Anderson Showalter of Morrison & Foerster LLP on behalf of Qimonda AG. (Showalter, Jeffrey)
06/23/2009	23	Order Granting Request for Expedited Hearing (Re: related document(s) <u>21</u> Motion for Preliminary Injunction filed by Qimonda AG) Hearing scheduled 7/1/2009 at 11:00 AM at Judge Mayer's Courtroom, 200 South Washington Street, 3rd Floor, Courtroom III, Alexandria, VA. (Lewis, Barbara)
06/23/2009	24	Certificate of Service (Re: related document(s) <u>21</u> Motion for Preliminary Injunction filed by Qimonda AG, <u>23</u> Order Continuing/Rescheduling/Settting Hearing) filed by Jeffrey Anderson Showalter of Morrison & Foerster LLP on behalf of Qimonda AG. (Showalter, Jeffrey)
06/24/2009	25	Order Granting Motion to Appear Pro Hac Vice (Related Doc # <u>5</u>) (Glenn, Jillinda)
06/24/2009	26	Order Granting Motion to Appear Pro Hac Vice (Related Doc # <u>6</u>) (Glenn, Jillinda)
06/24/2009	27	Order Granting Motion to Appear Pro Hac Vice (Related Doc # <u>15</u>) (Glenn, Jillinda)
06/26/2009	28	BNC certificate of mailing of order (Re: related document(s) <u>25</u> Order on Motion to Appear Pro Hac Vice) (Admin.) (Entered: 06/27/2009)
06/26/2009	29	BNC certificate of mailing of order (Re: related document(s) <u>26</u> Order on Motion to Appear Pro Hac Vice) (Admin.) (Entered: 06/27/2009)
06/26/2009	30	BNC certificate of mailing of order (Re: related document(s) <u>27</u> Order on Motion to Appear Pro Hac Vice) (Admin.) (Entered: 06/27/2009)
		Objection to <i>Qimonda AG's Emergency Motion for Provisional Injunctive Relief, Pending Recognition of Foreign Main Proceeding, in the Form of a Preliminary Injunction and Memorandum in Support Thereof</i> (Re: related document(s) <u>21</u> motion Motion for Preliminary Injunction filed by Qimonda AG) filed by Robert H. Chappell III of Spotts Fain PC on behalf of Agere Systems, Inc., LSI Corporation. (Attachments: # <u>1</u> Exhibit

06/30/2009	31	(s) Exhibit 1# 2 Exhibit(s) Exhibit 2) (Chappell, Robert)
06/30/2009	32	Notice of Appearance <i>and Request for Service</i> filed by Robert H. Chappell III of Spotts Fain PC on behalf of Agere Systems, Inc., LSI Corporation. (Chappell, Robert)
07/01/2009	33	<i>Affidavit of Publication of the Notice of Filing and Hearing on Petition Under Chapter 15 of the United States Bankruptcy Code of Tim Hart in the Worldwide Editions of the Financial Times</i> filed by Jeffrey Anderson Showalter of Morrison & Foerster LLP on behalf of Qimonda AG. (Showalter, Jeffrey)
07/01/2009	34	<i>Affidavit of Publication of the Notice of Filing and Hearing on Petition Under Chapter 15 of the United States Bankruptcy Code of Erin Ostenson in the National Edition of the Wall Street Journal</i> filed by Jeffrey Anderson Showalter of Morrison & Foerster LLP on behalf of Qimonda AG. (Showalter, Jeffrey)
07/01/2009	35	Hearing held CT: Emergency Motion for Preliminay Injunction Granted - Order to be Submitted (Re: related document(s) 21 Motion for Preliminary Injunction filed by Qimonda AG) (Appearances: Jeffrey Showalter, Brett Miller & Matthew Dunn/Dbt and Robert Chappell/Agere & LSI) (Williams, Regina)
07/02/2009	36	Order Granting Motion for Preliminary Injunction (Related Doc # 21) (Mayer, Robert)
07/04/2009	37	BNC certificate of mailing of order (Re: related document(s) 36 Order on Motion for Preliminary Injunction) (Admin.) (Entered: 07/05/2009)
07/09/2009	38	Motion to Appear Pro Hac Vice <i>of Matthew S. Dunne</i> filed by Jeffrey Anderson Showalter of Morrison & Foerster LLP on behalf of Qimonda AG. (Attachments: # 1 Proposed Order # 2 Exhibit(s) 2) (Showalter, Jeffrey)
07/13/2009	39	Notice of Appeal <i>of LSI Corporation and Agere Systems, Inc.</i> (Re: related document(s) 36 Order on Motion for Preliminary Injunction) filed by Erin Elizabeth Kessel of Spotts Fain PC on behalf of Agere Systems, Inc., LSI Corporation. Appellant Designation due by 7/23/2009. (Kessel, Erin)
07/14/2009	40	U.S. Treasury receipt of Notice of Appeal(09-14766-RGM) [appeal,97] (255.00) filing fee. Receipt number 9349657, amount \$ 255.00. (U.S. Treasury)
		Order Granting Matthew S Dunne to Appear Pro Hac Vice in this

07/14/2009	41	matter on behalf of Dr. Michael Jaffe (Related Doc # 38) (Chandler, Kimberly)
07/15/2009	42	<i>Stipulation Extending Deadline for Certain Parties to Respond or Object to Verified Petition for Recognition of a Foreign Main Proceeding and Motion for Permanent Injunction and Related Relief Pursuant to 11 U.S.C. Sections 1504, 1515, 1517, 1520, and 1521</i> By Qimonda Richmond, LLC and Between Petitioner Michael Jaffe, Qimonda North America Corp., Qimonda Richmond, LLC, and Official Committee of Unsecured Creditors of Qimonda Richmond, LLC and Qimonda North America Corp. (Re: related document(s) 7 Motion to Approve filed by Qimonda AG) filed by Dion W. Hayes of McGuireWoods LLP on behalf of Qimonda Richmond, LLC. (Hayes, Dion)
07/15/2009	43	Stipulation By Qimonda AG and Between Between Petitioner Michael Jaffe and the WARN Plaintiffs filed by Jeffrey Anderson Showalter of Morrison & Foerster LLP on behalf of Qimonda AG. (Showalter, Jeffrey)
07/15/2009	44	Response to <i>Qimonda AG's Verified Petition for Recognition of a Foreign Main Proceeding and Motion for Permanent Injunction and Related Relief</i> (Re: related document(s) 7 motion Motion to Approve filed by Qimonda AG) filed by Robert H. Chappell III of Spotts Fain PC on behalf of Agere Systems, Inc., LSI Corporation. (Chappell, Robert)
07/16/2009	45	Objection to styled as <i>Objection of Qimonda Employee Plaintiffs to Qimonda AG's Motion to Approve Verified Petition for Recognition of a Foreign Main Proceeding and Motion for Permanent Injunction and Related Relief and Qimonda Employee Plaintiffs' Request for Relief from the Automatic Stay to Liquidate Claim in District Court</i> (Re: related document(s) 7 motion Motion to Approve filed by Qimonda AG) filed by William A. Gray of Sands Anderson Marks & Miller on behalf of Olga Vaysman, Kathleen Hall, Jon Earle, Brian Carey, Claude Edmonds, Jacob Evans, Lawrence D. Meyer, Cheryl Maxey, Christopher Shull, Bonnie Wright, Linda Frazier, Lakita Blair. (Attachments: # 1 Exhibit(s) Exhibit C to Objection# 2 Exhibit(s) Exhibit D to Objection# 3 Exhibit(s) Exhibits A and B to Objection# 4 Exhibit(s) Exhibits E and F to Objection) (Gray, William)
07/16/2009	46	Response to <i>Motion for Injunctive Relief</i> (Re: related document(s) 9 Motion to Approve filed by Qimonda AG) filed by Robert K. Coulter of Office of the US Attorney on behalf of United States of America. (Attachments: # 1 Exhibit(s) Opinion) (Coulter, Robert)

07/16/2009	47	Memorandum Opinion (Re: related document(s) 21 Motion for Preliminary Injunction filed by Qimonda AG) (Mayer, Robert)
07/16/2009	48	BNC certificate of mailing of order (Re: related document(s) 41 Order on Motion to Appear Pro Hac Vice) (Admin.) (Entered: 07/17/2009)
07/17/2009	49	Motion to Appear Pro Hac Vice of <i>Joanne B. Wills</i> filed by William A. Gray of Sands Anderson Marks & Miller on behalf of Qimonda AG. (Gray, William)
07/17/2009	50	Motion to Appear Pro Hac Vice of <i>Charles A. Ercole</i> filed by William A. Gray of Sands Anderson Marks & Miller on behalf of Qimonda AG. (Gray, William)
07/20/2009	51	Order Granting Motion to Appear Pro Hac Vice of Joanne B. Wills(Related Doc # 49) (Douglass, Elizabeth)
07/20/2009	52	Order Granting Motion to Appear Pro Hac Vice of Charles A. Ercole (Related Doc # 50) (Douglass, Elizabeth)
07/20/2009	53	Omnibus Reply of <i>Petitioner, Dr. Michael Jaff</i> to <i>Objections to Verified Petition for Recognition of a Foreign Main Proceeding and Motion for Permanent Injunction and Related Relief Pursuant to 11 U.S.C. §§ 1504, 1515, 1517, 1520, and 1521</i> (Re: related document(s) 44 Response to Motion/Application filed by LSI Corporation, Agere Systems, Inc., 45 Objection to Motion/Application filed by Lakita Blair, Linda Frazier, Bonnie Wright, Christopher Shull, Cheryl Maxey, Lawrence D. Meyer, Jacob Evans, Claude Edmonds, Brian Carey, Jon Earle, Kathleen Hall, Olga Vaysman, 46 Response filed by United States of America) filed by Jeffrey Anderson Showalter of Morrison & Foerster LLP on behalf of Qimonda AG. (Showalter, Jeffrey)
07/20/2009	54	Motion to Appear Pro Hac Vice filed by Robert H. Chappell III of Spotts Fain PC on behalf of Agere Systems, Inc., LSI Corporation. (Attachments: # 1 Proposed Order) (Chappell, Robert)
07/22/2009	55	Order Granting Motion to Appear Pro Hac Vice (Related Doc # 54) (Glenn, Jillinda)
07/22/2009	56	Order granting petition of foreign representative to recognize foreign main proceeding(Related Doc # 7) (Mayer, Robert)
		Supplemental Order on Petition for Recognition of Foreign Proceeding (Re: related document(s) 1 Petition for Recognition of

07/22/2009	57	Foreign Proceeding filed by Qimonda AG) (Mayer, Robert)
07/22/2009	58	BNC certificate of mailing of order (Re: related document(s) 51 Order on Motion to Appear Pro Hac Vice) (Admin.) (Entered: 07/23/2009)
07/22/2009	59	BNC certificate of mailing of order (Re: related document(s) 52 Order on Motion to Appear Pro Hac Vice) (Admin.) (Entered: 07/23/2009)
07/22/2009	60	Hearing held CT: Petition for Reconition Granted as Foreign Main Proceeding - Order to be Entered; 362(B)(4) Issue Taken Under Advisement (Re: related document(s) 9 Motion to Approve filed by Qimonda AG) (Appearances: Robert Chappell & Andrew Pratt/Agere; Dion Hayes & Morris Massel/Qimonda Richmond; Jeff Showalter, Brett Miller, Matthew Dunne & Todd Goren/Dbt; Robert Courtler/Justice and Joanne Wills/Employees) (Williams, Regina) (Entered: 07/23/2009)
07/23/2009	61	Request for Notice/Service filed by William A. Gray of Sands Anderson Marks & Miller on behalf of Brian Carey, Jon Earle, Claude Edmonds, Jacob Evans, Linda Frazier, Kathleen Hall, Lakita Blair, Cheryl Maxey, Lawrence D. Meyer, Christopher Shull, Olga Vaysman, Bonnie Wright. (Gray, William)
07/23/2009	62	Scheduling Order; Hearing set for 10/1/2009 at 11:00 AM at Judge Mayer's Courtroom, 200 South Washington Street, 3rd Floor, Courtroom III, Alexandria, VA. (Lewis, Barbara)
07/24/2009	63	BNC certificate of mailing of order (Re: related document(s) 55 Order on Motion to Appear Pro Hac Vice) (Admin.) (Entered: 07/25/2009)
07/27/2009	64	Notice and Withdrawal of Notice of Appeal (Re: related document (s) 39 Notice of Appeal filed by LSI Corporation, Agere Systems, Inc.) filed by Erin Elizabeth Kessel of Spotts Fain PC on behalf of Agere Systems, Inc., LSI Corporation. (Kessel, Erin)
		Transcript filed Re: Hearing Held 7/22/2009, regarding Qimonda IG. Remote electronic access to the transcript is restricted until 10/26/2009. The transcript may be viewed at the Bankruptcy Court Clerk's Office. [For information about how to contact the transcriber, call the Clerk's Office] or [Contact the Court Reporter/Transcriber DRS, Inc., Telephone number 202-467-9200.] [Transcript Purchased by Morrison & Foerster.] (RE: related document(s) 58 BNC certificate of mailing of order, 59 BNC certificate of mailing of order, 60 Hearing held CT: Petition for Reconition Granted as Foreign Main Proceeding - Order to be

07/28/2009	65	Entered; 362). Notice of Intent to Request Redaction Deadline Due By 08/4/2009. Redaction Request Due By 08/18/2009. Redacted Transcript Submission Due By 08/28/2009. Transcript access will be restricted through 10/26/2009. (Yenchochic, Michelle)
07/31/2009	66	Motion for Relief from Stay Re: <i>styled as Motion of the Qimonda Employee Plaintiffs for Relief from the Automatic Stay to Permit the Qimonda Employee Plaintiffs to Liquidate Their Claims in Delaware District Court</i> filed by William A. Gray of Sands Anderson Marks & Miller on behalf of Brian Carey, Jon Earle, Claude Edmonds, Jacob Evans, Linda Frazier, Kathleen Hall, Lakita Blair, Cheryl Maxey, Lawrence D. Meyer, Christopher Shull, Olga Vaysman, Bonnie Wright. Hearing scheduled 10/1/2009 at 11:00 AM at Judge Mayer's Courtroom, 200 South Washington Street, 3rd Floor, Courtroom III, Alexandria, VA. (Gray, William)
07/31/2009	67	U.S. Treasury receipt of Motion for Relief from Stay(09-14766-RGM) [motion,185] (150.00) filing fee. Receipt number 9437407, amount \$ 150.00. (U.S. Treasury)
07/31/2009	68	Memorandum of Law in Support of the Motion of the Qimonda Employee Plaintiffs for Relief from the Automatic Stay to Permit the Qimonda Employee Plaintiffs to Liquidate Their Claims in Delaware District Court (Re: related document(s) 66 Motion for Relief from Stay filed by Lakita Blair, Linda Frazier, Bonnie Wright, Christopher Shull, Cheryl Maxey, Lawrence D. Meyer, Jacob Evans, Claude Edmonds, Brian Carey, Jon Earle, Kathleen Hall, Olga Vaysman) filed by William A. Gray of Sands Anderson Marks & Miller on behalf of Brian Carey, Jon Earle, Claude Edmonds, Jacob Evans, Linda Frazier, Kathleen Hall, Lakita Blair, Cheryl Maxey, Lawrence D. Meyer, Christopher Shull, Olga Vaysman, Bonnie Wright. (Attachments: # 1 Exhibit (s) Exhibits A - E to Memorandum in Support of Motion)(Gray, William)
		Exhibit F through I to Memorandum in Support of Motion for Relief From Stay (Re: related document(s) 66 Motion for Relief from Stay filed by Lakita Blair, Linda Frazier, Bonnie Wright, Christopher Shull, Cheryl Maxey, Lawrence D. Meyer, Jacob Evans, Claude Edmonds, Brian Carey, Jon Earle, Kathleen Hall, Olga Vaysman, 68 Memorandum filed by Lakita Blair, Linda Frazier, Bonnie Wright, Christopher Shull, Cheryl Maxey, Lawrence D. Meyer, Jacob Evans, Claude Edmonds, Brian Carey, Jon Earle, Kathleen Hall, Olga Vaysman) filed by William A. Gray of Sands Anderson Marks & Miller on behalf of Brian Carey, Jon Earle, Claude Edmonds, Jacob Evans, Linda Frazier, Kathleen Hall, Lakita Blair, Cheryl Maxey, Lawrence D. Meyer,

07/31/2009	69	Christopher Shull, Olga Vaysman, Bonnie Wright. (Attachments: # 1 Exhibit(s) Exhibit I to Memorandum in Support of Motion for Relief# 2 Exhibit(s) Exhibit J to Memorandum in Support of Motion for Relief)(Gray, William)
07/31/2009	70	Exhibit J and K to Memorandum in Support of Motion for Relief From Stay (Re: related document(s) 66 Motion for Relief from Stay filed by Lakita Blair, Linda Frazier, Bonnie Wright, Christopher Shull, Cheryl Maxey, Lawrence D. Meyer, Jacob Evans, Claude Edmonds, Brian Carey, Jon Earle, Kathleen Hall, Olga Vaysman, 68 Memorandum filed by Lakita Blair, Linda Frazier, Bonnie Wright, Christopher Shull, Cheryl Maxey, Lawrence D. Meyer, Jacob Evans, Claude Edmonds, Brian Carey, Jon Earle, Kathleen Hall, Olga Vaysman, 69 Exhibit filed by Lakita Blair, Linda Frazier, Bonnie Wright, Christopher Shull, Cheryl Maxey, Lawrence D. Meyer, Jacob Evans, Claude Edmonds, Brian Carey, Jon Earle, Kathleen Hall, Olga Vaysman) filed by William A. Gray of Sands Anderson Marks & Miller on behalf of Brian Carey, Jon Earle, Claude Edmonds, Jacob Evans, Linda Frazier, Kathleen Hall, Lakita Blair, Cheryl Maxey, Lawrence D. Meyer, Christopher Shull, Olga Vaysman, Bonnie Wright. (Attachments: # 1 Exhibit(s) Exhibit K to Memorandum in Support of Motion for Relief from Stay)(Gray, William)
07/31/2009	71	Notice of Motion and Notice of Hearing (Re: related document(s) 66 Motion for Relief from Stay filed by Lakita Blair, Linda Frazier, Bonnie Wright, Christopher Shull, Cheryl Maxey, Lawrence D. Meyer, Jacob Evans, Claude Edmonds, Brian Carey, Jon Earle, Kathleen Hall, Olga Vaysman) filed by William A. Gray of Sands Anderson Marks & Miller on behalf of Brian Carey, Jon Earle, Claude Edmonds, Jacob Evans, Linda Frazier, Kathleen Hall, Lakita Blair, Cheryl Maxey, Lawrence D. Meyer, Christopher Shull, Olga Vaysman, Bonnie Wright. Hearing scheduled 10/1/2009 at 11:00 AM at Judge Mayer's Courtroom, 200 South Washington Street, 3rd Floor, Courtroom III, Alexandria, VA. (Gray, William)
08/09/2009	72	Notice of Filing of Official Transcript. Notice is hereby given that an official transcript has been filed. Pursuant to the new policy adopted by the Judicial Conference, transcripts are available for inspection only at the clerk's office or may be purchased from the court transcriber for a 90 day period. (Re: related document(s) 65 Transcript filed) (Admin.) (Entered: 08/10/2009)
		Objection to / Objection of Petitioner, Dr. Michael Jaffe to WARN Plaintiffs Motion for Relief from the Automatic Stay (Re: related document(s) 66 motion Motion for Relief from Stay filed by Lakita Blair, Linda Frazier, Bonnie Wright, Christopher Shull, Cheryl Maxey, Lawrence D. Meyer, Jacob Evans, Claude

08/14/2009	73	Edmonds, Brian Carey, Jon Earle, Kathleen Hall, Olga Vaysman) filed by Jeffrey Anderson Showalter of Morrison & Foerster LLP on behalf of Qimonda AG. (Showalter, Jeffrey)
08/14/2009	74	Declaration of <i>Ursula Schlegel Pursuant to 28 U.S.C. Section 1746</i> (Re: related document(s) 73 Objection to Motion/Application filed by Qimonda AG) filed by Jeffrey Anderson Showalter of Morrison & Foerster LLP on behalf of Qimonda AG. (Showalter, Jeffrey)
08/15/2009	75	Certificate of Service (Re: related document(s) 73 Objection to Motion/Application filed by Qimonda AG, 74 Declaration filed by Qimonda AG) filed by Jeffrey Anderson Showalter of Morrison & Foerster LLP on behalf of Qimonda AG. (Showalter, Jeffrey)
08/31/2009	76	Amended Declaration / <i>Amendment to Declaration of Ursula Schlegel</i> (Re: related document(s) 74 Declaration filed by Qimonda AG) filed by Jeffrey Anderson Showalter of Morrison & Foerster LLP on behalf of Qimonda AG. (Showalter, Jeffrey)
09/02/2009	77	Notice of Depositions of <i>Dr. Michael Jaffe</i> filed by William A. Gray of Sands Anderson Marks & Miller on behalf of Brian Carey, Jon Earle, Claude Edmonds, Jacob Evans, Linda Frazier, Kathleen Hall, Lakita Blair, Cheryl Maxey, Lawrence D. Meyer, Christopher Shull, Olga Vaysman, Bonnie Wright. (Gray, William)
09/02/2009	78	Notice of Depositions of <i>Ursula Schelgel</i> filed by William A. Gray of Sands Anderson Marks & Miller on behalf of Brian Carey, Jon Earle, Claude Edmonds, Jacob Evans, Linda Frazier, Kathleen Hall, Lakita Blair, Cheryl Maxey, Lawrence D. Meyer, Christopher Shull, Olga Vaysman, Bonnie Wright. (Gray, William)
09/11/2009	79	Motion to Quash / <i>Motion of Qimonda AG to Quash Deposition Notices and for a Protective Order</i> (Related Document(s) 77 Notice of Depositions filed by Lakita Blair, Linda Frazier, Bonnie Wright, Christopher Shull, Cheryl Maxey, Lawrence D. Meyer, Jacob Evans, Claude Edmonds, Brian Carey, Jon Earle, Kathleen Hall, Olga Vaysman, 78 Notice of Depositions filed by Lakita Blair, Linda Frazier, Bonnie Wright, Christopher Shull, Cheryl Maxey, Lawrence D. Meyer, Jacob Evans, Claude Edmonds, Brian Carey, Jon Earle, Kathleen Hall, Olga Vaysman) filed by Jeffrey Anderson Showalter of Morrison & Foerster LLP on behalf of Qimonda AG. (Showalter, Jeffrey)
		Exhibit / <i>Exhibits 1, 2 and 3 to the Motion of Qimonda AG to</i>

09/11/2009	80	<i>Quash Deposition Notices and for a Protective Order</i> (Re: related document(s) 79 Motion to Quash filed by Qimonda AG) filed by Jeffrey Anderson Showalter of Morrison & Foerster LLP on behalf of Qimonda AG. (Attachments: # 1 Exhibit(s) 3) (Showalter, Jeffrey)
09/11/2009	81	Certificate of Service (Re: related document(s) 79 Motion to Quash filed by Qimonda AG) filed by Jeffrey Anderson Showalter of Morrison & Foerster LLP on behalf of Qimonda AG. (Showalter, Jeffrey)
09/14/2009	82	Order Granting Expedited Hearing (Re: related document(s) 79 Motion to Quash filed by Qimonda AG) Hearing scheduled 9/22/2009 at 11:00 AM at Judge Mayer's Courtroom, 200 South Washington Street, 3rd Floor, Courtroom III, Alexandria, VA. (Lewis, Barbara)
09/18/2009	83	Objection to <i>styled as Objection by Qimonda Employee Plaintiffs to Qimonda AG's Motion to Quash Deposition Notices and for a Protective Order</i> (Re: related document(s) 79 motion Motion to Quash filed by Qimonda AG) filed by William A. Gray of Sands Anderson Marks & Miller on behalf of Brian Carey, Jon Earle, Claude Edmonds, Jacob Evans, Linda Frazier, Kathleen Hall, Lakita Blair, Cheryl Maxey, Lawrence D. Meyer, Christopher Shull, Olga Vaysman, Bonnie Wright. (Gray, William)
09/21/2009	84	Reply Memorandum of Law in Support of Motion of Qimonda AG to Quash Deposition Notice and for a Protective Order (Re: related document(s) 79 Motion to Quash filed by Qimonda AG, 80 Exhibit filed by Qimonda AG, 83 Objection to Motion/Application filed by Lakita Blair, Linda Frazier, Bonnie Wright, Christopher Shull, Cheryl Maxey, Lawrence D. Meyer, Jacob Evans, Claude Edmonds, Brian Carey, Jon Earle, Kathleen Hall, Olga Vaysman) filed by Jeffrey Anderson Showalter of Morrison & Foerster LLP on behalf of Qimonda AG. (Attachments: # 1 Certificate of Service) (Showalter, Jeffrey)
09/22/2009	85	Hearing held CT: Motion to Quash Deposition Granted - Order to be Submitted (Re: related document(s) 79 Motion to Quash filed by Qimonda AG) (Appearances: William Gray & Joanne Willis/Employees and John Trocki/Dbt) (Williams, Regina) (Entered: 09/24/2009)
09/24/2009	86	Order Granting the Motion of Qimonda AG to Quash Deposition Notice for Dr. Michael Jaffe (Related Doc # 79) (Williams, Denise)
		List of Witnesses / <i>Witness List and Exhibit List for Qimonda AG</i>

09/24/2009	87	filed by Jeffrey Anderson Showalter of Morrison & Foerster LLP on behalf of Qimonda AG. (Attachments: # <u>1</u> Exhibit(s) A 1 of 3# <u>2</u> Exhibit(s) A 2 of 3# <u>3</u> Exhibit(s) A 3 of 3# <u>4</u> Exhibit(s) B) (Showalter, Jeffrey)
09/24/2009	88	Certificate of Service (Re: related document(s) <u>87</u> List of Witnesses filed by Qimonda AG) filed by Jeffrey Anderson Showalter of Morrison & Foerster LLP on behalf of Qimonda AG. (Showalter, Jeffrey)
09/24/2009	89	List of Exhibits for <i>Qimonda Employee Plaintiffs</i> , List of Witnesses For <i>Qimonda Employee Plaintiffs</i> (Re: related document(s) <u>62</u> Order Scheduling Trial, <u>66</u> Motion for Relief from Stay filed by Lakita Blair, Linda Frazier, Bonnie Wright, Christopher Shull, Cheryl Maxey, Lawrence D. Meyer, Jacob Evans, Claude Edmonds, Brian Carey, Jon Earle, Kathleen Hall, Olga Vaysman) filed by William A. Gray of Sands Anderson Marks & Miller on behalf of Brian Carey, Jon Earle, Claude Edmonds, Jacob Evans, Linda Frazier, Kathleen Hall, Lakita Blair, Cheryl Maxey, Lawrence D. Meyer, Christopher Shull, Olga Vaysman, Bonnie Wright. (Attachments: # <u>1</u> Exhibit(s) <u>1</u> # <u>2</u> Exhibit(s) <u>2</u> # <u>3</u> Exhibit(s) <u>3</u> # <u>4</u> Exhibit(s) <u>4</u> # <u>5</u> Exhibit(s) <u>5</u> # <u>6</u> Exhibit(s) <u>6</u> # <u>7</u> Exhibit(s) <u>7</u> # <u>8</u> Exhibit(s) <u>8</u> # <u>9</u> Exhibit(s) <u>9</u> # <u>10</u> Exhibit(s) <u>10</u> # <u>11</u> Exhibit(s) <u>11</u>)(Gray, William)
09/26/2009	90	BNC certificate of mailing of order (Re: related document(s) <u>86</u> Order on Motion to Quash) (Admin.) (Entered: 09/27/2009)
09/29/2009	91	Receipt of Exhibits and Notice (Re: related document(s) <u>89</u> List of Exhibits filed by Lakita Blair, Linda Frazier, Bonnie Wright, Christopher Shull, Cheryl Maxey, Lawrence D. Meyer, Jacob Evans, Claude Edmonds, Brian Carey, Jon Earle, Kathleen Hall, Olga Vaysman, List of Witnesses) (Williams, Denise)
09/29/2009	92	Receipt of Exhibits and Notice (Re: related document(s) <u>87</u> List of Witnesses filed by Qimonda AG) (Williams, Denise)
10/01/2009	93	Hearing held CT: Motion for Relief from Stay Denied - Order to be Submitted (Re: related document(s) <u>66</u> Motion for Relief from Stay filed by Lakita Blair, Linda Frazier, Bonnie Wright, Christopher Shull, Cheryl Maxey, Lawrence D. Meyer, Jacob Evans, Claude Edmonds, Brian Carey, Jon Earle, Kathleen Hall, Olga Vaysman) (Appearances: William Gray, Joanne Wills & Ashley Burgess/Qimonda Employees and John Trocki, Brett Miller & Jeff Showalter/Debtor; Witness: Jacob Evans, Cherly Maxey and Ursula Schlegel) (Williams, Regina)
		Order Denying the Motion of The Qimonda Employee Plaintiffs

10/05/2009	94	for Relief from Stay (Related Doc # 66) (Williams, Denise)
10/07/2009	95	BNC certificate of mailing of order (Re: related document(s) 94 Order on Motion for Relief from Stay) (Admin.) (Entered: 10/08/2009)
10/08/2009	96	Motion to Amend <i>Supplemental Order</i> (Related Document(s) 57 Order on Petition for Recognition of Foreign Proceeding) filed by Jeffrey Anderson Showalter of Morrison & Foerster LLP on behalf of Qimonda AG. (Showalter, Jeffrey)
10/08/2009	97	Certificate of Service (Re: related document(s) 96 Motion to Amend filed by Qimonda AG) filed by Jeffrey Anderson Showalter of Morrison & Foerster LLP on behalf of Qimonda AG. (Showalter, Jeffrey)
10/13/2009	98	Acknowledgment of Receipt of Exhibits and Notice (Re: related document(s) 92 Receipt of Exhibits and Notice) filed by Jeffrey Anderson Showalter of Morrison & Foerster LLP on behalf of Qimonda AG. (Williams, Denise) (Entered: 10/14/2009)
10/21/2009	99	Notice of Appearance <i>and Request for Service of Papers</i> filed by John K. Hsu of Winston & Strawn LLP on behalf of Nanya Technology Corporation. (Williams, Denise)
10/21/2009	100	Objection to <i>Debtor's Motion to Amend Supplemental Order</i> (Re: related document(s) 96 motion Motion to Amend filed by Qimonda AG) filed by John K. Hsu of Winston & Strawn LLP on behalf of Nanya Technology Corporation. (Attachments: # 1 Declaration of Marc S. Palay# 2 Exhibit A# 3 Exhibit B# 4 Exhibit C# 5 Exhibit D# 6 Exhibit E# 7 Exhibit F# 8 Certificate of Service# 9 Request for Waiver to File by Computer Diskette or Conventionally) (Williams, Denise)
10/21/2009	101	Notice of Appearance <i>and Request for Service of Papers</i> filed by James W. Reynolds of Odin, Feldman & Pittleman on behalf of Micron Technology, Inc.. (Reynolds, James)
10/21/2009	102	Motion to Appear Pro Hac Vice - <i>Adam P. Strochak</i> filed by James W. Reynolds of Odin, Feldman & Pittleman on behalf of Micron Technology, Inc.. (Reynolds, James)
10/21/2009	103	Motion to Appear Pro Hac Vice - <i>Alfredo R. Perez</i> filed by James W. Reynolds of Odin, Feldman & Pittleman on behalf of Micron Technology, Inc.. (Reynolds, James)
		Motion to Appear Pro Hac Vice - <i>Manesh J. Shah</i> filed by James

10/21/2009	104	W. Reynolds of Odin, Feldman & Pittleman on behalf of Micron Technology, Inc.. (Reynolds, James)
10/21/2009	105	Limited Objection to <i>Motion to Amend Supplemental Order</i> (Re: related document(s) 96 motion Motion to Amend filed by Qimonda AG) filed by James W. Reynolds of Odin, Feldman & Pittleman on behalf of Micron Technology, Inc.. (Reynolds, James)
10/21/2009	106	Notice of Appearance and Request for Service of Notices and Papers filed by Roxanne Feliu Rosado of Leach Travell Britt pc on behalf of Elpida Memory, Inc., Infineon Technologies, AG, Samsung Electronics Co., Ltd.. (Rosado, Roxanne)
10/21/2009	107	Motion to File Document(s) Under Seal filed by Roxanne Feliu Rosado of Leach Travell Britt pc on behalf of Elpida Memory, Inc., Infineon Technologies, AG, Samsung Electronics Co., Ltd.. (Attachments: # 1 Proposed Order) (Rosado, Roxanne)
10/21/2009	108	Objection to <i>Motion to Amend Supplemental Order and Cross-Motion for Relief under Sections 365 and 363 of the Bankruptcy Code</i> (Re: related document(s) 96 motion Motion to Amend filed by Qimonda AG) filed by Stephen E. Leach of Leach Travell Britt, PC on behalf of Elpida Memory, Inc., Infineon Technologies, AG, Samsung Electronics Co., Ltd.. (Leach, Stephen)
10/21/2009	109	Motion to Shorten Time Regarding <i>Cross-Motion For Relief Under Sections 365 and 363 of the United States Bankruptcy Code and to Consolidate Hearing</i> filed by Roxanne Feliu Rosado of Leach Travell Britt pc on behalf of Elpida Memory, Inc., Infineon Technologies, AG, Samsung Electronics Co., Ltd.. (Attachments: # 1 Proposed Order) (Rosado, Roxanne)
10/21/2009	110	Motion to Appear Pro Hac Vice of <i>Jennifer M. Selendy</i> filed by Roxanne Feliu Rosado of Leach Travell Britt pc on behalf of Elpida Memory, Inc., Infineon Technologies, AG, Samsung Electronics Co., Ltd.. (Attachments: # 1 Proposed Order) (Rosado, Roxanne)
		Objection to <i>Foreign Representative's Motion to Amend Supplemental Order and Cross-Motion for Relief under Sections 365 and 363 of the Bankruptcy Code [EXHIBITS TO THE OBJECTION AND CROSS-MOTION FOR DOCKET ENTRY 108]</i> (Re: related document(s) 96 motion Motion to Amend filed by Qimonda AG) filed by Stephen E. Leach of Leach Travell Britt, PC on behalf of Elpida Memory, Inc., Infineon Technologies, AG, Samsung Electronics Co., Ltd.. (Attachments:

10/21/2009	111	# 1 Index to Exhibit to Objection to Motion to Amend Supplemental Motion and Cross-Motion# 2 Exhibit 1# 3 Exhibit 2# 4 Exhibit 3# 5 Exhibit 4# 6 Exhibit 5# 7 Exhibit 6# 8 Exhibit 7# 9 Exhibit 8# 10 Exhibit 9(a)# 11 Exhibit 9(c)# 12 Exhibit 9(d) # 13 Exhibit 9(e)# 14 Exhibit 10(a)# 15 Exhibit 10(c)# 16 Exhibit 11(a)# 17 Exhibit 11(b)# 18 Exhibit 12# 19 Exhibit 13(a)# 20 Exhibit 13(b)# 21 Exhibit 14# 22 Exhibit 15# 23 Exhibit 18# 24 Exhibit 19# 25 Exhibit 20# 26 Exhibit 21) (Leach, Stephen)
10/21/2009	112	Motion to Appear Pro Hac Vice <i>of William Pratt</i> filed by Roxanne Feliu Rosado of Leach Travell Britt pc on behalf of Elpida Memory, Inc., Infineon Technologies, AG, Samsung Electronics Co., Ltd.. (Attachments: # 1 Proposed Order) (Rosado, Roxanne)
10/21/2009	113	Objection to <i>Motion to Amend Supplemental Order and Cross-Motion for Relief under Sections 365 and 363 of the Bankruptcy Code -- Declaration of Dr. Bernd Meyer-Lowy -- FILED IN CONNECTION WITH DOCKET ENTRY NO. 108</i> (Re: related document(s) 96 motion Motion to Amend filed by Qimonda AG) filed by Stephen E. Leach of Leach Travell Britt, PC on behalf of Elpida Memory, Inc., Infineon Technologies, AG, Samsung Electronics Co., Ltd.. (Attachments: # 1 Index to Exhibits to Meyer-Lowy Declaration# 2 Exhibit A# 3 Exhibit B# 4 Exhibit C# 5 Exhibit D# 6 Exhibit E# 7 Exhibit F# 8 Exhibit G# 9 Exhibit H# 10 Exhibit I# 11 Exhibit J# 12 Exhibit K# 13 Exhibit L# 14 Exhibit M# 15 Exhibit N) (Leach, Stephen)
10/22/2009	114	Notice of Deficient Filing Issued to James Reynolds, Esquire regarding Notice of Appearance; the ECF registered participant attorney filing the document does not match the attorney's signature on the document. (Re: related document(s) 101 Notice of Appearance filed by Micron Technology, Inc.) Document(s) due by 11/2/2009. (Williams, Denise)
10/22/2009	115	Notice of Deficient Filing Issued to James Reynolds, Esquire regarding Motion to Appear Pro Hac Vice - Adam Stochak; Signature Required. The ECF registered participant attorney filing the document does not match the attorney's signature block on the document. (Re: related document(s) 102 Motion to Appear Pro Hac Vice filed by Micron Technology, Inc.) Document(s) due by 11/2/2009. (Williams, Denise)
		Notice of Deficient Filing Issued to James Reynolds, Esquire regarding Motion to Appear Pro Hac Vice - Alfredo Perez; The ECF registered participant attorney filing the document does not match the attorney's signature on the document. (Re: related document(s) 103 Motion to Appear Pro Hac Vice filed by Micron

10/22/2009	116	Technology, Inc.) Document(s) due by 11/2/2009. (Williams, Denise)
10/22/2009	117	Notice of Deficient Filing Issued to James Reynolds, Esquire regarding Motion to Appear Pro Hac Vice - Manesh Shah; The ECF registered participant attorney filing the document does not match the attorney's signature on the document. (Re: related document(s) 104 Motion to Appear Pro Hac Vice filed by Micron Technology, Inc.) Document(s) due by 11/2/2009. (Williams, Denise)
10/22/2009	118	Notice of Deficient Filing Issued to James Reynolds, Esquire regarding Limited Objection to Motion to Amend Supplemental Order; The ECF registered participant attorney filing the document does not match the attorney's signature on the document. (Re: related document(s) 105 Objection to Motion/Application filed by Micron Technology, Inc.) Document(s) due by 11/2/2009. (Williams, Denise)
10/22/2009	119	Inquiry/General Checksheet Issued to James Reynolds, Esquire regarding Requirement of Form or Process re: Notice of Appearance / Motions to Appear Pro Hac Vice / Limited Objection; Documents not accompanied by a Certificate of Service/Proof of Service signed by counsel. (Re: related document(s) 101 Notice of Appearance filed by Micron Technology, Inc., 102 Motion to Appear Pro Hac Vice filed by Micron Technology, Inc., 103 Motion to Appear Pro Hac Vice filed by Micron Technology, Inc., 104 Motion to Appear Pro Hac Vice filed by Micron Technology, Inc., 105 Objection to Motion/Application filed by Micron Technology, Inc.) (Williams, Denise)
10/22/2009	120	Clerk's Certificate of Mailing. A copy of these documents were mailed by first class mail postage prepaid to James Reynolds, Esquire and Micron Technology, Inc. as required by the Bankruptcy Code, Bankruptcy Rules and Local Rules. (Re: related document(s) 114 Notice of Deficient Filing Issued, 115 Notice of Deficient Filing Issued, 116 Notice of Deficient Filing Issued, 117 Notice of Deficient Filing Issued, 118 Notice of Deficient Filing Issued, 119 Inquiry/General Checksheet) (Williams, Denise)
		Notice of Deficient Filing Issued to Stephen Leach, Esquire regarding Objection; Document does not match the event entry used for docketing. Please review this filing and redocket using the correct event entry (Exhibits) or redocket to attach the correct document. (Re: related document(s) 111 Objection to Motion/Application filed by Samsung Electronics Co., Ltd.,

10/22/2009	121	Infineon Technologies, AG, Elpida Memory, Inc.) Document(s) due by 11/2/2009. (Williams, Denise)
10/22/2009	122	Notice of Deficient Filing Issued to Stephen Leach, Esquire regarding Objection; Document does not match the event entry used for docketing. Please review this filing and redocket using the correct event entry (Declaration of Dr. Bernd Meyer-Lowy) or redocket to attach the correct document. (Re: related document(s) 113 Objection to Motion/Application filed by Samsung Electronics Co., Ltd., Infineon Technologies, AG, Elpida Memory, Inc.) Document(s) due by 11/2/2009. (Williams, Denise)
10/22/2009	123	Exhibit <i>Index and Exhibits</i> (Re: related document(s) 108 Objection to Motion/Application filed by Samsung Electronics Co., Ltd., Infineon Technologies, AG, Elpida Memory, Inc.) filed by Roxanne Feliu Rosado of Leach Travell Britt pc on behalf of Elpida Memory, Inc., Infineon Technologies, AG, Samsung Electronics Co., Ltd.. (Attachments: # 1 Exhibit(s) Exhibit 1# 2 Exhibit(s) Exhibit 2# 3 Exhibit(s) Exhibit 3# 4 Exhibit(s) Exhibit 4# 5 Exhibit(s) Exhibit 5# 6 Exhibit(s) Exhibit 6# 7 Exhibit(s) Exhibit 7# 8 Exhibit(s) Exhibit 8# 9 Exhibit(s) Exhibit 9a# 10 Exhibit(s) Exhibit 9c# 11 Exhibit(s) Exhibit 9d# 12 Exhibit(s) Exhibit 9e# 13 Exhibit(s) Exhibit 10a# 14 Exhibit(s) Exhibit 10c# 15 Exhibit(s) Exhibit 11a# 16 Exhibit(s) Exhibit 11b# 17 Exhibit(s) Exhibit 12# 18 Exhibit(s) Exhibit 13a# 19 Exhibit(s) Exhibit 13b# 20 Exhibit(s) Exhibit 14# 21 Exhibit(s) Exhibit 15# 22 Exhibit(s) Exhibit 18# 23 Exhibit(s) Exhibit 19# 24 Exhibit(s) Exhibit 20# 25 Exhibit(s) Exhibit 21)(Rosado, Roxanne)
10/23/2009	124	Declaration of Dr. Bernd Meyer-Lowy (Re: related document(s) 108 Objection to Motion/Application filed by Samsung Electronics Co., Ltd., Infineon Technologies, AG, Elpida Memory, Inc.) filed by Roxanne Feliu Rosado of Leach Travell Britt pc on behalf of Elpida Memory, Inc., Infineon Technologies, AG, Samsung Electronics Co., Ltd.. (Attachments: # 1 Exhibit(s) Index of Exhibits to Declaration# 2 Exhibit(s) Exhibit A# 3 Exhibit(s) Exhibit B# 4 Exhibit(s) Exhibit C# 5 Exhibit(s) Exhibit D# 6 Exhibit(s) Exhibit E# 7 Exhibit(s) Exhibit F# 8 Exhibit(s) Exhibit G# 9 Exhibit(s) Exhibit H# 10 Exhibit(s) Exhibit I# 11 Exhibit(s) Exhibit J# 12 Exhibit(s) Exhibit K# 13 Exhibit(s) Exhibit L# 14 Exhibit(s) Exhibit M# 15 Exhibit(s) Exhibit N) (Rosado, Roxanne)
		Withdrawal of Docket Entry No. 111 (Re: related document(s) 111 Objection to Motion/Application filed by Samsung Electronics Co., Ltd., Infineon Technologies, AG, Elpida Memory, Inc.) filed by Roxanne Feliu Rosado of Leach Travell Britt pc on behalf of Elpida Memory, Inc., Infineon Technologies,

10/23/2009	125	AG, Samsung Electronics Co., Ltd.. (Rosado, Roxanne)
10/23/2009	126	Withdrawal of <i>Docket Entry No. 113</i> (Re: related document(s) <u>113</u> Objection to Motion/Application filed by Samsung Electronics Co., Ltd., Infineon Technologies, AG, Elpida Memory, Inc.) filed by Roxanne Feliu Rosado of Leach Travell Britt pc on behalf of Elpida Memory, Inc., Infineon Technologies, AG, Samsung Electronics Co., Ltd.. (Rosado, Roxanne)
10/23/2009	127	Corrected Notice of Appearance and Request for Service of Papers w/ Request for Waiver to File Conventionally (Re: related document(s) <u>101</u> Notice of Appearance filed by Micron Technology, Inc.) filed by David Nelson Southard of Weil, Gotshal & Manges, LLP on behalf of Micron Technology, Inc.. (Williams, Denise)
10/23/2009	128	Corrected Motion to Appear Pro Hac Vice - <i>Adam P. Strochak</i> (Related Document(s) <u>102</u> Motion to Appear Pro Hac Vice filed by Micron Technology, Inc.) filed by David Nelson Southard of Weil, Gotshal & Manges, LLP on behalf of Micron Technology, Inc.. (Attachments: # <u>1</u> Proposed Order) (Williams, Denise)
10/23/2009	129	Corrected Motion to Appear Pro Hac Vice - <i>Alfredo R. Perez</i> (Related Document(s) <u>103</u> Motion to Appear Pro Hac Vice filed by Micron Technology, Inc.) filed by David Nelson Southard of Weil, Gotshal & Manges, LLP on behalf of Micron Technology, Inc.. (Attachments: # <u>1</u> Proposed Order) (Williams, Denise)
10/23/2009	130	Corrected Motion to Appear Pro Hac Vice - <i>Manesh J. Shah</i> (Related Document(s) <u>104</u> Motion to Appear Pro Hac Vice filed by Micron Technology, Inc.) filed by David Nelson Southard of Weil, Gotshal & Manges, LLP on behalf of Micron Technology, Inc.. (Attachments: # <u>1</u> Proposed Order) (Williams, Denise)
10/23/2009	131	Corrected Objection to Motion to Amend Supplemental Order (Re: related document(s) <u>105</u> Objection to Motion/Application filed by Micron Technology, Inc.) filed by David Nelson Southard of Weil, Gotshal & Manges, LLP on behalf of Micron Technology, Inc.. (Williams, Denise)
10/23/2009	132	Motion to Appear Pro Hac Vice of <i>William E. Devitt, P.C.</i> filed by Roxanne Feliu Rosado of Leach Travell Britt pc on behalf of Elpida Memory, Inc., Infineon Technologies, AG, Samsung Electronics Co., Ltd.. (Attachments: # <u>1</u> Proposed Order) (Rosado, Roxanne)
		Motion to Appear Pro Hac Vice of <i>Matthew J. Hertko</i> filed by Roxanne Feliu Rosado of Leach Travell Britt pc on behalf of

10/23/2009	133	Elpida Memory, Inc., Infineon Technologies, AG, Samsung Electronics Co., Ltd.. (Attachments: # 1 Proposed Order) (Rosado, Roxanne)
10/23/2009	134	Motion to Appear Pro Hac Vice of <i>William A. Streff, Jr., P.C.</i> filed by Roxanne Feliu Rosado of Leach Travell Britt pc on behalf of Elpida Memory, Inc., Infineon Technologies, AG, Samsung Electronics Co., Ltd.. (Attachments: # 1 Proposed Order) (Rosado, Roxanne)
10/24/2009	135	Notice of Deficient Filing (Re: related document(s) 114 Notice of Deficient Filing Issued) (Admin.) (Entered: 10/25/2009)
10/24/2009	136	Notice of Deficient Filing (Re: related document(s) 115 Notice of Deficient Filing Issued) (Admin.) (Entered: 10/25/2009)
10/24/2009	137	Notice of Deficient Filing (Re: related document(s) 116 Notice of Deficient Filing Issued) (Admin.) (Entered: 10/25/2009)
10/24/2009	138	Notice of Deficient Filing (Re: related document(s) 117 Notice of Deficient Filing Issued) (Admin.) (Entered: 10/25/2009)
10/24/2009	139	Notice of Deficient Filing (Re: related document(s) 118 Notice of Deficient Filing Issued) (Admin.) (Entered: 10/25/2009)
10/24/2009	140	Inquiry/General Checksheet BNC Certification of Service (Re: related document(s) 119 Inquiry/General Checksheet) (Admin.) (Entered: 10/25/2009)
10/26/2009	141	Order Granting Motion to File Certain Document Under Seal (Related Doc # 107) (Williams, Denise)
10/26/2009	142	Order Granting Motion to Appear Pro Hac Vice - Jennifer M. Selendy (Related Doc # 110) (Williams, Denise)
10/26/2009	143	Order Granting Motion to Appear Pro Hac Vice - William Pratt (Related Doc # 112) (Williams, Denise)
10/26/2009	144	Motion to Appear Pro Hac Vice of <i>David R. Seligman, P.C.</i> filed by Roxanne Feliu Rosado of Leach Travell Britt pc on behalf of Elpida Memory, Inc., Infineon Technologies, AG, Samsung Electronics Co., Ltd.. (Attachments: # 1 Proposed Order) (Rosado, Roxanne)
		Omnibus Reply / <i>Omnibus Reply to the Objections to the Debtor's Motion to Amend Supplemental Order</i> (Re: related document(s) 100 Objection to Motion/Application filed by Nanya Technology

10/26/2009	145	Corporation, 105 Objection to Motion/Application filed by Micron Technology, Inc., 108 Objection to Motion/Application filed by Samsung Electronics Co., Ltd., Infineon Technologies, AG, Elpida Memory, Inc.) filed by Jeffrey Anderson Showalter of Morrison & Foerster LLP on behalf of Qimonda AG. (Attachments: # 1 Declaration of Dr. Stefan Blum) (Showalter, Jeffrey)
10/26/2009	146	Certificate of Service (Re: related document(s) 145 Reply filed by Qimonda AG) filed by Jeffrey Anderson Showalter of Morrison & Foerster LLP on behalf of Qimonda AG. (Showalter, Jeffrey)
10/26/2009	147	Motion to Appear Pro Hac Vice - <i>Justin E. Rawlins</i> filed by John K. Hsu of Winston & Strawn LLP on behalf of Nanya Technology Corporation. (Attachments: # 1 Certificate of Service# 2 Request for Waiver to File By Computer Diskette or Conventionally) (Williams, Denise) (Entered: 10/27/2009)
10/26/2009	148	Motion to Appear Pro Hac Vice - <i>Rolf S. Woolner</i> filed by John K. Hsu of Winston & Strawn LLP on behalf of Nanya Technology Corporation. (Attachments: # 1 Certificate of Service# 2 Request for Waiver to File By Computer Diskette or Conventionally) (Williams, Denise) (Entered: 10/27/2009)
10/27/2009	149	Motion to Appear Pro Hac Vice of <i>Gregory F. Corbett</i> filed by Roxanne Feliu Rosado of Leach Travell Britt pc on behalf of Elpida Memory, Inc., Infineon Technologies, AG, Samsung Electronics Co., Ltd.. (Attachments: # 1 Proposed Order) (Rosado, Roxanne)
10/28/2009	150	Order Granting Motion to Appear Pro Hac Vice - Adam P. Strochak (Related Doc # 102), Granting Corrected Motion to Appear Pro Hac Vice (Related Doc # 128) (Williams, Denise)
10/28/2009	151	Order Granting Motion to Appear Pro Hac Vice - Alfredo R. Perez (Related Doc # 103), Granting Corrected Motion to Appear Pro Hac Vice (Related Doc # 129) (Williams, Denise)
10/28/2009	152	Order Granting Motion to Appear Pro Hac Vice - Manesh J. Shah (Related Doc # 104), Granting Corrected Motion to Appear Pro Hac Vice (Related Doc # 130) (Williams, Denise)
10/28/2009	153	Order Granting Motion to Appear Pro Hac Vice - William E. Devitt (Related Doc # 132) (Williams, Denise)
10/28/2009	154	Order Granting Motion to Appear Pro Hac Vice - Matthew J. Hertko (Related Doc # 133) (Williams, Denise)

10/28/2009	155	Order Granting Motion to Appear Pro Hac Vice - William A. Streff, Jr. (Related Doc # 134) (Williams, Denise)
10/28/2009	156	Order Granting Motion to Appear Pro Hac Vice - David R. Seligman (Related Doc # 144) (Williams, Denise)
10/28/2009	157	Order Granting Motion to Appear Pro Hac Vice - Gregory F. Corbett (Related Doc # 149) (Williams, Denise)
10/28/2009	158	BNC certificate of mailing of order (Re: related document(s) 141 Order on Motion to File Document(s) Under Seal) (Admin.) (Entered: 10/29/2009)
10/28/2009	159	BNC certificate of mailing of order (Re: related document(s) 142 Order on Motion to Appear Pro Hac Vice) (Admin.) (Entered: 10/29/2009)
10/28/2009	160	BNC certificate of mailing of order (Re: related document(s) 143 Order on Motion to Appear Pro Hac Vice) (Admin.) (Entered: 10/29/2009)
10/28/2009	161	Hearing held CT: Matter Taken Under Advisement - Proposed Order to be submitted(Re: related document(s) 57 Order on Petition for Recognition of Foreign Proceeding)(Appearances by: William Pratt/Samsung Elec;Stephen Leach/Samsung Elec;Brett Miller/Dbt;Adam Strochak/Micron;Rolf Woolner/Nanya Tech) (Lawson, Tawanna) (Entered: 10/29/2009)
10/30/2009	162	BNC certificate of mailing of order (Re: related document(s) 150 Order on Motion to Appear Pro Hac Vice) (Admin.) (Entered: 10/31/2009)
10/30/2009	163	BNC certificate of mailing of order (Re: related document(s) 151 Order on Motion to Appear Pro Hac Vice) (Admin.) (Entered: 10/31/2009)
10/30/2009	164	BNC certificate of mailing of order (Re: related document(s) 152 Order on Motion to Appear Pro Hac Vice) (Admin.) (Entered: 10/31/2009)
10/30/2009	165	BNC certificate of mailing of order (Re: related document(s) 153 Order on Motion to Appear Pro Hac Vice) (Admin.) (Entered: 10/31/2009)
10/30/2009	166	BNC certificate of mailing of order (Re: related document(s) 154 Order on Motion to Appear Pro Hac Vice) (Admin.) (Entered: 10/31/2009)

10/30/2009	167	BNC certificate of mailing of order (Re: related document(s) 155 Order on Motion to Appear Pro Hac Vice) (Admin.) (Entered: 10/31/2009)
10/30/2009	168	BNC certificate of mailing of order (Re: related document(s) 156 Order on Motion to Appear Pro Hac Vice) (Admin.) (Entered: 10/31/2009)
10/30/2009	169	BNC certificate of mailing of order (Re: related document(s) 157 Order on Motion to Appear Pro Hac Vice) (Admin.) (Entered: 10/31/2009)
11/12/2009	170	Order Granting Motion to Appear Pro Hac Vice - Justin E. Rawlins (Related Doc # 147) (Williams, Denise)
11/12/2009	171	Order Granting Motion to Appear Pro Hac Vice - Rolf S. Woolner (Related Doc # 148) (Williams, Denise)
11/12/2009	172	Transcript filed Re: Hearing Held 10/28/2009, regarding Qimonda, AG. Remote electronic access to the transcript is restricted until 02/10/2010. The transcript may be viewed at the Bankruptcy Court Clerk's Office. [For information about how to contact the transcriber, call the Clerk's Office] or [Contact the Court Reporter/Transcriber DRS, Inc., Telephone number 202-467-9200.] [Transcript Purchased by Weil, Gotshal & Manges.] (RE: related document(s) 161 Hearing held CT: Matter Taken Under Advisement - Proposed Order to be submitted). Notice of Intent to Request Redaction Deadline Due By 11/19/2009. Redaction Request Due By 12/3/2009. Redacted Transcript Submission Due By 12/14/2009. Transcript access will be restricted through 02/10/2010. (Yenchochic, Michelle)
11/12/2009	173	Transcript filed Re: Hearing Held 9/22/2009, regarding Qimonda AG. Remote electronic access to the transcript is restricted until 02/10/2010. The transcript may be viewed at the Bankruptcy Court Clerk's Office. [For information about how to contact the transcriber, call the Clerk's Office] or [Contact the Court Reporter/Transcriber DRS, Inc., Telephone number (202) 467-9200.] [Transcript Purchased by Morrison & Foerster.] (RE: related document(s) 85 Hearing held CT: Motion to Quash Deposition Granted - Order to be Submitted). Notice of Intent to Request Redaction Deadline Due By 11/19/2009. Redaction Request Due By 12/3/2009. Redacted Transcript Submission Due By 12/14/2009. Transcript access will be restricted through 02/10/2010. (Yenchochic, Michelle)
		BNC certificate of mailing of order (Re: related document(s) 170 Order on Motion to Appear Pro Hac Vice) (Admin.) (Entered: 10/31/2009)

11/14/2009	174	11/15/2009)
11/14/2009	175	BNC certificate of mailing of order (Re: related document(s) 171 Order on Motion to Appear Pro Hac Vice) (Admin.) (Entered: 11/15/2009)
11/18/2009	176	Notice of Filing of Official Transcript. Notice is hereby given that an official transcript has been filed. Pursuant to the new policy adopted by the Judicial Conference, transcripts are available for inspection only at the clerk's office or may be purchased from the court transcriber for a 90 day period. (Re: related document(s) 172 Transcript filed) (Admin.) (Entered: 11/19/2009)
11/18/2009	177	Notice of Filing of Official Transcript. Notice is hereby given that an official transcript has been filed. Pursuant to the new policy adopted by the Judicial Conference, transcripts are available for inspection only at the clerk's office or may be purchased from the court transcriber for a 90 day period. (Re: related document(s) 173 Transcript filed) (Admin.) (Entered: 11/19/2009)
11/19/2009	178	Memorandum Opinion (Re: related document(s) 96 Motion to Amend filed by Qimonda AG) (Lewis, Barbara)
11/19/2009	179	Order Granting the Debtor's Motion to Amend the Supplemental Order (Related Doc # 96) (Lewis, Barbara)
11/19/2009	180	Amended Supplemental Order (Re: related document(s) 57 Order on Petition for Recognition of Foreign Proceeding) (Lewis, Barbara)
11/30/2009	181	Notice of Appeal (Re: related document(s) 179 Order on Motion to Amend) filed by David Nelson Southard of Weil, Gotshal & Manges, LLP on behalf of Micron Technology, Inc.. Appellant Designation due by 12/10/2009. (Southard, David)
11/30/2009	182	Notice of Appeal (Re: related document(s) 179 Order on Motion to Amend) filed by Stephen E. Leach of Leach Travell Britt, PC on behalf of Elpida Memory, Inc., Infineon Technologies, AG, Samsung Electronics Co., Ltd.. Appellant Designation due by 12/10/2009. (Leach, Stephen)
11/30/2009	183	U.S. Treasury receipt of Notice of Appeal(09-14766-RGM) [appeal,97] (255.00) filing fee. Receipt number 9948635, amount \$ 255.00. (U.S. Treasury)
		Notice of Appeal (Re: related document(s) 179 Order on Motion to Amend) filed by John Ken Kwong-Ming Hsu of Winston &

11/30/2009	184	Strawn LLP on behalf of Nanya Technology Corporation. Appellant Designation due by 12/10/2009. (Hsu, John)
11/30/2009	185	U.S. Treasury receipt of Notice of Appeal(09-14766-RGM) [appeal,97] (255.00) filing fee. Receipt number 9948688, amount \$ 255.00. (U.S. Treasury)
11/30/2009	186	U.S. Treasury receipt of Notice of Appeal(09-14766-RGM) [appeal,97] (255.00) filing fee. Receipt number 9948951, amount \$ 255.00. (U.S. Treasury)
11/30/2009	187	Amended Notice of Appeal (Re: related document(s) 179 Order on Motion to Amend, 180 Amended Order) filed by John Ken Kwong-Ming Hsu of Winston & Strawn LLP on behalf of Nanya Technology Corporation. (Hsu, John)
11/30/2009	188	Amended Notice of Appeal (Re: related document(s) 179 Order on Motion to Amend, 180 Amended Order, 182 Notice of Appeal filed by Samsung Electronics Co., Ltd., Infineon Technologies, AG, Elpida Memory, Inc.) filed by Stephen E. Leach of Leach Travell Britt, PC on behalf of Elpida Memory, Inc., Infineon Technologies, AG, Samsung Electronics Co., Ltd.. (Leach, Stephen)
12/01/2009	189	Certificate of Service (Re: related document(s) 181 Notice of Appeal filed by Micron Technology, Inc.) filed by David Nelson Southard of Weil, Gotshal & Manges, LLP on behalf of Micron Technology, Inc.. (Southard, David)
12/10/2009	190	Appellant Designation of Issues and Record on Appeal (Re: related document(s) 181 Notice of Appeal filed by Micron Technology, Inc.) filed by David Nelson Southard of Weil, Gotshal & Manges, LLP on behalf of Micron Technology, Inc.. Appellee Designation due by 12/24/2009. (Attachments: # 1 Exhibit(s) 1)(Southard, David)
12/10/2009	191	Appellant Designation of Record and Statement of Issues on Appeal of Appellants Samsung Electronics Co., Ltd., Elpida Memory, Inc., and Infineon Technologies AG (Re: related document(s) 182 Notice of Appeal filed by Samsung Electronics Co., Ltd., Infineon Technologies, AG, Elpida Memory, Inc., 188 Amended Notice of Appeal filed by Samsung Electronics Co., Ltd., Infineon Technologies, AG, Elpida Memory, Inc.) filed by Roxanne Feliu Rosado of Leach Travell Britt pc on behalf of Elpida Memory, Inc., Infineon Technologies, AG, Samsung Electronics Co., Ltd.. Appellee Designation due by 12/24/2009. (Rosado, Roxanne)

12/10/2009	● 192	Appellant Designation of <i>Statment of Issues and Record on Appeal of Appellant Nanya Technology Corporation</i> (Re: related document(s) <u>184</u> Notice of Appeal filed by Nanya Technology Corporation, <u>187</u> Amended Notice of Appeal filed by Nanya Technology Corporation) filed by John Ken Kwong-Ming Hsu of Winston & Strawn LLP on behalf of Nanya Technology Corporation. Appellee Designation due by 12/24/2009. (Hsu, John)
01/08/2010	● 193	Transmittal of Record on Appeal to Appellate Court (Re: related document(s) <u>181</u> Notice of Appeal filed by Micron Technology, Inc.) (Williams, Denise) (Entered: 01/11/2010)
01/08/2010	● 194	Transmittal of Record on Appeal to Appellate Court (Re: related document(s) <u>182</u> Notice of Appeal filed by Samsung Electronics Co., Ltd., Infineon Technologies, AG, Elpida Memory, Inc., <u>188</u> Amended Notice of Appeal filed by Samsung Electronics Co., Ltd., Infineon Technologies, AG, Elpida Memory, Inc.) (Williams, Denise) (Entered: 01/11/2010)
01/08/2010	● 195	Transmittal of Record on Appeal to Appellate Court (Re: related document(s) <u>184</u> Notice of Appeal filed by Nanya Technology Corporation, <u>187</u> Amended Notice of Appeal filed by Nanya Technology Corporation) (Williams, Denise) (Entered: 01/11/2010)
01/13/2010	● 196	Notice of Appearance and <i>Request for Service of Papers</i> filed by G. David Dean of Cole, Scholz, Meisel, Forman & Leonard on behalf of Dr. Michael Jaffe, Insolvency Administrator over the estate of Qimonda AG. (Dean, G.)
01/13/2010	● 197	Motion to Appear Pro Hac Vice - <i>Ilana Volkov</i> filed by G. David Dean of Cole, Scholz, Meisel, Forman & Leonard on behalf of Dr. Michael Jaffe, Insolvency Administrator over the estate of Qimonda AG. (Attachments: # <u>1</u> Exhibit(s) A - Certification of Ilana Volkov# <u>2</u> Proposed Order) (Dean, G.)
01/13/2010	● 198	Motion to Appear Pro Hac Vice - <i>Warren A. Usatine</i> filed by G. David Dean of Cole, Scholz, Meisel, Forman & Leonard on behalf of Dr. Michael Jaffe, Insolvency Administrator over the estate of Qimonda AG. (Attachments: # <u>1</u> Exhibit(s) A - Certification of Warren Usatine# <u>2</u> Proposed Order) (Dean, G.)
01/13/2010	● 199	Notification of Civil Action Number 1:10CV26. (Re: related document(s) <u>193</u> Transmittal of Record on Appeal to Appellate Court) (Williams, Denise)
		Notification of Civil Action Number 1:10CV27. (Re: related

01/13/2010	200	document(s) 194 Transmittal of Record on Appeal to Appellate Court) (Williams, Denise)
01/13/2010	201	Notification of Civil Action Number 1:10CV28. (Re: related document(s) 195 Transmittal of Record on Appeal to Appellate Court) (Williams, Denise)
01/13/2010	202	Motion to Sell / <i>Motion Pursuant to Sections 105, 363 and 1520 of the Bankruptcy Code to Establish Procedures for the Sale of Certain Patents</i> filed by G. David Dean of Cole, Scholz, Meisel, Forman & Leonard on behalf of Dr. Michael Jaffe, Insolvency Administrator over the estate of Qimonda AG. (Attachments: # 1 Service List# 2 Exhibit(s) A to Motion# 3 Exhibit(s) B to Motion# 4 Proposed Order) (Dean, G.)
01/13/2010	203	Notice of Motion and Notice of Hearing (Re: related document(s) 202 Motion to Sell filed by Dr. Michael Jaffe, Insolvency Administrator over the estate of Qimonda AG) filed by G. David Dean of Cole, Scholz, Meisel, Forman & Leonard on behalf of Dr. Michael Jaffe, Insolvency Administrator over the estate of Qimonda AG. Hearing scheduled 2/9/2010 at 11:00 AM at Judge Mayer's Courtroom, 200 South Washington Street, 3rd Floor, Courtroom III, Alexandria, VA. (Attachments: # 1 Service List) (Dean, G.)
01/13/2010	204	Notice of Deficient Filing Issued to G. David Dean, Esquire regarding Motion to Appear Pro Hac Vice; a written application for pro hac vice admission must be appended to the motion filed by a member of the Bar of this Court. [See LBR 2090-1(E)(2)(a)] (Re: related document(s) 197 Motion to Appear Pro Hac Vice filed by Dr. Michael Jaffe, Insolvency Administrator over the estate of Qimonda AG) Document(s) due by 1/27/2010. (Williams, Denise)
01/13/2010	205	Notice of Deficient Filing Issued to G. David Dean, Esquire regarding Motion to Appear Pro Hac Vice; a written application for pro hac vice admission must be appended to the motion filed by a member of the Bar of this Court. [See LBR 2090-1(E)(2)(a)] (Re: related document(s) 198 Motion to Appear Pro Hac Vice filed by Dr. Michael Jaffe, Insolvency Administrator over the estate of Qimonda AG) Document(s) due by 1/27/2010. (Williams, Denise)
		Amended Motion to Appear Pro Hac Vice - <i>Ilana Volkov</i> (Related Document(s) 197 Motion to Appear Pro Hac Vice filed by Dr. Michael Jaffe, Insolvency Administrator over the estate of Qimonda AG) filed by G. David Dean of Cole, Scholz, Meisel, Forman & Leonard on behalf of Dr. Michael Jaffe, Insolvency

01/14/2010	206	Administrator over the estate of Qimonda AG. (Attachments: # 1 Application# 2 Proposed Order) (Dean, G.)
01/14/2010	207	Amended Motion to Appear Pro Hac Vice - <i>Warren A. Usatine</i> (Related Document(s) 198 Motion to Appear Pro Hac Vice filed by Dr. Michael Jaffe, Insolvency Administrator over the estate of Qimonda AG) filed by G. David Dean of Cole, Scholz, Meisel, Forman & Leonard on behalf of Dr. Michael Jaffe, Insolvency Administrator over the estate of Qimonda AG. (Attachments: # 1 Application# 2 Proposed Order) (Dean, G.)
01/15/2010	208	Order Granting Motion to Appear Pro Hac Vice (Ilana Volkov) (Related Doc # 206) (Williams, Denise)
01/15/2010	209	Order Granting Motion to Appear Pro Hac Vice (Warren A. Usatine) (Related Doc # 207) (Williams, Denise)
01/22/2010	210	<i>Affidavit of Publication</i> (Re: related document(s) 202 Motion to Sell filed by Dr. Michael Jaffe, Insolvency Administrator over the estate of Qimonda AG) filed by G. David Dean of Cole, Scholz, Meisel, Forman & Leonard on behalf of Dr. Michael Jaffe, Insolvency Administrator over the estate of Qimonda AG. (Dean, G.)
02/02/2010	211	Limited Objection to <i>Motion to Establish Procedures for the Sale of Certain Patents</i> (Re: related document(s) 202 motion Motion to Sell filed by Dr. Michael Jaffe, Insolvency Administrator over the estate of Qimonda AG) filed by David Nelson Southard of Weil, Gotshal & Manges, LLP on behalf of Micron Technology, Inc.. (Southard, David)
02/02/2010	212	Motion to Appear Pro Hac Vice of <i>Laura B. Kadetsky</i> filed by Roxanne Feliu Rosado of Leach Travell Britt pc on behalf of Samsung Electronics Co., Ltd.. (Attachments: # 1 Proposed Order) (Rosado, Roxanne)
02/02/2010	213	Notice of Appearance and Demand for Notices and Papers filed by Augustus C. Epps Jr. of Christian & Barton, L.L.P. on behalf of IBM Corporation. (Epps, Augustus)
02/02/2010	214	Limited Objection of <i>IBM Corporation to Insolvency Administrator's Motion to Establish Procedures for the Sale of Certain Patents</i> (Re: related document(s) 202 Motion to Sell filed by Dr. Michael Jaffe, Insolvency Administrator over the estate of Qimonda AG) filed by Augustus C. Epps Jr. of Christian & Barton, L.L.P. on behalf of IBM Corporation. (Epps, Augustus)

02/02/2010	215	Objection <i>Objection of Nanya Technology Corporation to Insolvency Administrators Motion Pursuant to Sections 105, 363 and 1520 of the Bankruptcy Code to Establish Procedures for the Sale of Certain Patents</i> (Re: related document(s) 202 Motion to Sell filed by Dr. Michael Jaffe, Insolvency Administrator over the estate of Qimonda AG) filed by John Ken Kwong-Ming Hsu of Winston & Strawn LLP on behalf of Nanya Technology Corporation. (Hsu, John)
02/02/2010	216	Limited Objection to <i>Motion to Establish Procedures for the Sale of Certain Patents</i> (Re: related document(s) 202 motion Motion to Sell filed by Dr. Michael Jaffe, Insolvency Administrator over the estate of Qimonda AG) filed by Stephen E. Leach of Leach Travell Britt, PC on behalf of Elpida Memory, Inc., Infineon Technologies, AG, Samsung Electronics Co., Ltd.. (Attachments: # 1 Exhibit A - Proposed Alternate Form of Order) (Leach, Stephen)
02/02/2010	217	Notice of Appearance filed by Lawrence Allen Katz of Venable LLP on behalf of Hynix Semiconductor, Inc.. (Katz, Lawrence)
02/02/2010	218	Objection to <i>Motion to Establish Procedures to Sell Certain Patents</i> (Re: related document(s) 202 motion Motion to Sell filed by Dr. Michael Jaffe, Insolvency Administrator over the estate of Qimonda AG) filed by Charles Thomas Hicks III of DiMuroGinsberg, P.C. on behalf of ProMOS Technologies, Inc.. (Attachments: # 1 Proposed Order) (Hicks, Charles)
02/02/2010	219	Limited Objection to <i>Insolvency Administrator's Motion Pursuant to Sections 105, 363, and 1520 of the Bankruptcy Code to Establish Procedures for the Sale of Certain Patents</i> (Re: related document(s) 202 motion Motion to Sell filed by Dr. Michael Jaffe, Insolvency Administrator over the estate of Qimonda AG) filed by Kristen E. Burgers of Venable LLP on behalf of Hynix Semiconductor, Inc.. (Burgers, Kristen)
02/03/2010	220	Notice of Appearance filed by Charles Thomas Hicks III of DiMuroGinsberg, P.C. on behalf of ProMOS Technologies, Inc.. (Hicks, Charles)
02/03/2010	221	Disclosure of the Honorable Robert G. Mayer (Lewis, Barbara)
02/04/2010	222	Motion to Appear Pro Hac Vice of <i>David L. Eades</i> filed by Jennifer McLain McLemore of Christian & Barton, LLP on behalf of IBM Corporation. (McLemore, Jennifer)
		Notice of Deficient Filing Issued to Roxanne Rosado, Esquire regarding Motion to Appear Pro Hac Vice; A written application

02/05/2010	223	for pro hac vice admission must be appended to the motion filed by a member of the Bar of this Court. [See LBR 2090-1(E)(2)(a)] (Re: related document(s) <u>212</u> Motion to Appear Pro Hac Vice filed by Samsung Electronics Co., Ltd.) Document(s) due by 2/19/2010. (Williams, Denise)
02/09/2010	232	Hearing rescheduled (Re: related document(s) <u>202</u> Motion to Sell filed by Dr. Michael Jaffe, Insolvency Administrator over the estate of Qimonda AG) Hearing scheduled 2/23/2010 at 11:00 AM at Judge Mitchell's Courtroom, 200 South Washington Street, 2nd Floor, Courtroom I, Alexandria, VA. (Williams, Regina) (Entered: 02/16/2010)
02/10/2010	224	Objection to <i>Motion To Sell Patents</i> (Re: related document(s) <u>202</u> motion Motion to Sell filed by Dr. Michael Jaffe, Insolvency Administrator over the estate of Qimonda AG) filed by Charles Thomas Hicks III of DiMuroGinsberg, P.C. on behalf of ProMOS Technologies, Inc.. (Attachments: # <u>1</u> Exhibit(s) Exhibit A# <u>2</u> Exhibit(s) Exhibit B) (Hicks, Charles)
02/12/2010	225	Order Granting Motion to Appear Pro Hac Vice - David L. Eades (Related Doc # <u>222</u>) (Williams, Denise)
02/12/2010	226	Amended Objection to <i>Motion to Establish Procedures to Sell Patents</i> (Re: related document(s) <u>202</u> motion Motion to Sell filed by Dr. Michael Jaffe, Insolvency Administrator over the estate of Qimonda AG) filed by Charles Thomas Hicks III of DiMuroGinsberg, P.C. on behalf of ProMOS Technologies, Inc.. (Attachments: # <u>1</u> Exhibit(s) Cover Page# <u>2</u> Exhibit(s) Verified Declaration of Jong Wang# <u>3</u> Exhibit(s) Exhibit B Cover Sheet# <u>4</u> Exhibit(s) Verified Declaration of Doris Wang# <u>5</u> Exhibit(s) Exhibit C Cover Sheet# <u>6</u> Exhibit(s) ProMOS U.S. Patent 6,130,163# <u>7</u> Exhibit(s) ProMOS U.S. Patent 6,166,898) (Hicks, Charles)
02/12/2010	227	Order of Recusal and Reassignment and Rescheduling Hearing (Re: related document(s) <u>202</u> Motion to Sell filed by Dr. Michael Jaffe, Insolvency Administrator over the estate of Qimonda AG) Hearing scheduled 2/23/2010 at 11:00 AM at Judge Mitchell's Courtroom, 200 South Washington Street, 2nd Floor, Courtroom I, Alexandria, VA. (Lewis, Barbara)
02/14/2010	228	BNC certificate of mailing of order (Re: related document(s) <u>225</u> Order on Motion to Appear Pro Hac Vice) (Admin.) (Entered: 02/15/2010)
		Declaration (Re: related document(s) <u>226</u> Objection to Motion/Application filed by ProMOS Technologies, Inc.) filed by

02/15/2010	229	Charles Thomas Hicks III of DiMuroGinsberg, P.C. on behalf of ProMOS Technologies, Inc.. (Attachments: # 1 Exhibit(s) Declaration of Sam Yang, Exhibit C to Limited Objection# 2 Exhibit(s) Exhibit D cover sheet)(Hicks, Charles)
02/16/2010	230	Notice of Deficient Filing Issued to Charles Hicks, Esquire regarding Objection; Document does not match the event entry used for docketing. Please review this filing and redocket using the correct event entry (Motion to Continue/Motion to Extend Time) or redocket to attach the correct document. (Re: related document(s) 218 Objection to Motion/Application filed by ProMOS Technologies, Inc.) Document(s) due by 3/2/2010. (Williams, Denise)
02/16/2010	231	Notice of Deficient Filing Issued to Kristen Burgers, Esquire regarding Limited Objection; The ECF registered participant attorney filing the document does not match the attorney's signature on the document. (Re: related document(s) 219 Objection to Motion/Application filed by Hynix Semiconductor, Inc.) Document(s) due by 3/2/2010. (Williams, Denise)
02/16/2010	233	Memorandum Opinion (Re: related document(s) 9 Motion to Approve filed by Qimonda AG) (Lewis, Barbara)
02/16/2010	234	Order, Automatic Stay is in Full Force and Effect (Re: related document(s) 233 Memorandum Opinion) (Lewis, Barbara)
02/19/2010	235	Amended Motion to Appear Pro Hac Vice of <i>Laura B. Kadetsky</i> (Related Document(s) 212 Motion to Appear Pro Hac Vice filed by Samsung Electronics Co., Ltd.) filed by Roxanne Feliu Rosado of Leach Travell Britt pc on behalf of Samsung Electronics Co., Ltd.. (Attachments: # 1 Written Application to Appear Pro Hac Vice # 2 Proposed Order) (Rosado, Roxanne)
02/22/2010	236	Order Granting Amended Motion to Appear Pro Hac Vice - Laura B. Kadetsky (Related Doc # 235) (Related Doc # 212), (Williams, Denise)
02/23/2010	237	Hearing continued (Re: related document(s) 202 Motion to Sell filed by Dr. Michael Jaffe, Insolvency Administrator over the estate of Qimonda AG) Hearing scheduled 3/9/2010 at 09:30 AM at Judge Mitchell's Courtroom, 200 South Washington Street, 2nd Floor, Courtroom I, Alexandria, VA. (Cassidy-Miller, Terry)
02/24/2010	238	BNC certificate of mailing of order (Re: related document(s) 236 Order on Motion to Appear Pro Hac Vice) (Admin.) (Entered: 02/25/2010)

02/25/2010	239	Certificate of Service of Discovery Documents filed by Roxanne Feliu Rosado of Leach Travell Britt pc on behalf of Elpida Memory, Inc., Samsung Electronics Co., Ltd.. (Rosado, Roxanne)
02/26/2010	240	Motion to Shorten Time <i>for Responses to Discovery Requests Propounded to the Foreign Representative</i> (Related Document(s) 202 Motion to Sell filed by Dr. Michael Jaffe, Insolvency Administrator over the estate of Qimonda AG) filed by Stephen E. Leach of Leach Travell Britt, PC on behalf of Elpida Memory, Inc., Samsung Electronics Co., Ltd.. (Attachments: # 1 Proposed Order) (Leach, Stephen)
02/26/2010	241	Motion to Expedite Hearing <i>on Motion to Shorten Time for Responses to Discovery Requests Propounded to the Foreign Representative</i> (Related Document(s) 240 Motion to Shorten Time filed by Samsung Electronics Co., Ltd., Elpida Memory, Inc.) filed by Stephen E. Leach of Leach Travell Britt, PC on behalf of Elpida Memory, Inc., Samsung Electronics Co., Ltd.. (Attachments: # 1 Proposed Order # 2 Exhibit "B" - Local Rule 9013-1(N) Certification) (Leach, Stephen)
02/26/2010	242	Order Granting Motion to Expedite Hearing (Related Doc # 241) Hearing scheduled 3/1/2010 at 01:30 PM at Judge Mitchell's Courtroom, 200 South Washington Street, 2nd Floor, Courtroom I, Alexandria, VA. (Shannon, Pixie)
02/26/2010	243	Notice of Appeal (Re: related document(s) 233 Memorandum Opinion, 234 Order Directing) filed by Robert K. Coulter of Office of the US Attorney on behalf of International Trade Commission. Appellant Designation due by 3/12/2010. (Coulter, Robert)
02/27/2010	244	Supplemental Exhibit to <i>Motion to Shorten Time for Responses to Discovery Requests</i> (Re: related document(s) 240 Motion to Shorten Time filed by Samsung Electronics Co., Ltd., Elpida Memory, Inc.) filed by Stephen E. Leach of Leach Travell Britt, PC on behalf of Elpida Memory, Inc., Samsung Electronics Co., Ltd.. (Attachments: # 1 Exhibit B-1 (Interrogatories)# 2 Exhibit B-2 (Requests for Production of Documents# 3 Exhibit B-3 (Rule 30(b)(6) Notice of Deposition))(Leach, Stephen)
03/01/2010	245	Objection to <i>Licensees' Motion to Shorten Response Time Regarding Licensees' Discovery Requests</i> (Re: related document (s) 240 motion Motion to Shorten Time filed by Samsung Electronics Co., Ltd., Elpida Memory, Inc.) filed by G. David Dean of Cole, Scholz, Meisel, Forman & Leonard on behalf of Dr. Michael Jaffe, Insolvency Administrator over the estate of Qimonda AG. (Dean, G.)

03/01/2010	246	Notice of Deficient Filing Issued to Robert Coulter, Esquire regarding Notice of Appeal; Signature Required - Signature not indicated with the attorney's name typed in full on the signature line. (Re: related document(s) 243 Notice of Appeal filed by International Trade Commission) Document(s) due by 3/15/2010. (Williams, Denise)
03/01/2010	247	Payment Resolved for Notice of Appeal(09-14766-RGM) [appeal,97] Exempted, amount \$ 255.00. (Swinton)
03/01/2010	248	Hearing held CT: Denied - Chambers to prepare order(Re: related document(s) 240 Motion to Shorten Time filed by Samsung Electronics Co., Ltd., Elpida Memory, Inc., 241 Motion to Expedite Hearing filed by Samsung Electronics Co., Ltd., Elpida Memory, Inc.)(Appearances by: David Dean/Administrator;Stephen Leach/Samsung;David Eades/IBM-Telephonic;Justin Rawlins/Nanya Tech-Telephonic;Laura Kadetsky/Samsung-Telephonic;Matt Hertko/Samsung-Telephonic) (Lawson, Tawanna)
03/02/2010	249	Amended Notice of Appeal (Re: related document(s) 243 Notice of Appeal filed by International Trade Commission) filed by Robert K. Coulter of Office of the US Attorney on behalf of United States of America. (Coulter, Robert)
03/03/2010	250	BNC certificate of mailing of order (Re: related document(s) 242 Order on Motion to Expedite Hearing) (Admin.) (Entered: 03/04/2010)
03/04/2010	251	Amended Objection (Re: related document(s) 219 Objection to Motion/Application filed by Hynix Semiconductor, Inc.) filed by Lawrence Allen Katz of Venable LLP on behalf of Hynix Semiconductor, Inc.. (Katz, Lawrence)
03/04/2010	252	Omnibus Reply in Further Support of Insolvency Administrator's Motion Pursuant to Sections 105, 363 and 1520 of the Bankruptcy Code to Establish Procedures for the Sale of Certain Patents (Re: related document(s) 202 Motion to Sell filed by Dr. Michael Jaffe, Insolvency Administrator over the estate of Qimonda AG) filed by G. David Dean of Cole, Scholz, Meisel, Forman & Leonard on behalf of Dr. Michael Jaffe, Insolvency Administrator over the estate of Qimonda AG. (Attachments: # 1 Exhibit A# 2 Exhibit B) (Dean, G.)
		Hearing held; Court approved procedures with changes; Order to be submitted (Re: related document(s) 202 Motion to Sell filed by Dr. Michael Jaffe, Insolvency Administrator over the estate of Qimonda AG) (Appearances: Ilana Volkon & David

03/09/2010	253	Dean/Insolvency Administrators; David Seligman, Jennifer Selendy & Stephen Leach/Samsung & Elpida; Lawrence Katz/Hynix; Justin Rawlins & John Hsu/Nanya; Tom Hicks/ProMOS; Manesh Shah & David Southard/Micron; Bryan Stark/Qimonda (Richmond); Augustus Epps, Jr.; IBM) (Cassidy-Miller, Terry)
03/11/2010	254	Order Granting Motion to Establish Procedures for the Sale of Certain Patents (Related Doc # 202) (Williams, Denise)
03/11/2010	255	Appellant Designation of Record and Issues on Appeal (Re: related document(s) 249 Amended Notice of Appeal filed by United States of America) filed by Robert K. Coulter of Office of the US Attorney on behalf of International Trade Commission. Appellee Designation due by 3/29/2010. (Coulter, Robert)
03/13/2010	256	BNC certificate of mailing of order (Re: related document(s) 254 Order on Motion to Sell) (Admin.) (Entered: 03/14/2010)
03/25/2010	257	Appellee Designation / Appellees Designation of Additonal Items for Record On Appeal (Re: related document(s) 255 Appellant Designation filed by International Trade Commission) filed by Jeffrey Anderson Showalter of Morrison & Foerster LLP on behalf of Qimonda AG. (Showalter, Jeffrey)

A TRUE COPY TESTE:
WILLIAM C. REDDEN, CLERK
BY: *William C. Redden*
DEPUTY CLERK

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

IN RE:)
QIMONDA AG,) CASE NO. 09-14766-RGM
Debtor.) CHAPTER 15

NOTICE OF APPEAL

The United States International Trade Commission (hereinafter referred to as the "ITC") appeals under 28 U.S.C. § 158(a) from the Memorandum Opinion and Order entered on or about February 16, 2010, determining the applicability of the automatic stay in the above-captioned proceeding on a proceeding known as *In the Matter of Certain Semiconductor Integrated Circuits Using Tungsten Metallization, Inv. No. 337-TA-648* pending before the ITC, as well as other potential actions involving the Debtor before the ITC.

The names of all parties to the order appealed from and the names, addresses, and telephone numbers of their respective attorneys are as follows:

Administrator of the Qimonda AG Estate, Dr. Michael Jaffe:

Jeffrey A. Showalter
Morrison & Foerster, LLP
1650 Tysons Boulevard, Suite 400
McLean, VA 22102
Tel: (703) 760-7700

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CERTIFICATE OF SERVICE

I hereby certify a copy of foregoing will be filed with the United States Bankruptcy Court electronically in the CM/ECF system. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system. Parties currently listed by the CM/ECF system to receive electronic notice in this case are set forth below.

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Date: February 26, 2009

/s/
ROBERT K. COULTER

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

IN RE:)
QIMONDA AG,) CASE NO. 09-14766-RGM
Debtor.) CHAPTER 15

NOTICE OF APPEAL

The United States International Trade Commission (hereinafter referred to as the "ITC") appeals under 28 U.S.C. § 158(a) from the Memorandum Opinion and Order entered on or about February 16, 2010, determining the applicability of the automatic stay in the above-captioned proceeding on a proceeding known as *In the Matter of Certain Semiconductor Integrated Circuits Using Tungsten Metallization, Inv. No. 337-TA-648* pending before the ITC, as well as other potential actions involving the Debtor before the ITC.

The names of all parties to the order appealed from and the names, addresses, and telephone numbers of their respective attorneys are as follows:

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Date: March 2, 2010

/s/ Robert K. Coulter
ROBERT K. COULTER

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**

Alexandria Division

In re:

QIMONDA AG,

Debtor.

Case No. 09-14766-RGM
(Chapter 15)

ORDER

This case is before the court for a determination of the applicability of the automatic stay on a proceeding known as *In the Matter of Certain Semiconductor Integrated Circuits Using Tungsten Metallization, Inv. No. 337-TA-648* pending before the International Trade Commission. For the reasons stated in the accompanying Memorandum Opinion, it is

ORDERED that the automatic stay imposed by 11 U.S.C. §362(a) is in full force and effect as to Qimonda AG in that certain proceeding known as *In the Matter of Certain Semiconductor Integrated Circuits Using Tungsten Metallization, Inv. No. 337-TA-648* now pending before the International Trade Commission. The exception contained in 11 U.S.C. §362(b)(4) is not applicable.

Alexandria, Virginia
February 16, 2010

/s/Robert G. Mayer

Robert G. Mayer
United States Bankruptcy Judge

copies to:

Robert K. Coulter
Jeffrey Anderson Showalter
Robert H. Chappell, III

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**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**

Alexandria Division

In re:

QIMONDA AG,

Debtor.

Case No. 09-14766-RGM
(Chapter 15)

MEMORANDUM OPINION

The question presented is whether the automatic stay is applicable to an action pending before the International Trade Commission. The ITC argues that the action is an enforcement of its police or regulatory power and is excluded from the automatic stay.¹ 11 U.S.C. §362(b)(4).

Prior Bankruptcy Proceedings

Qimonda AG filed an application with the Amtsgericht-Insolvenzgericht München (“the Munich Local Court”) to open insolvency proceedings under the German insolvency law. The Munich Local Court appointed Dr. Michael Jaffé as the preliminary insolvency administrator. After receiving his report, the court opened the insolvency proceeding and appointed him the insolvency administrator.

Dr. Jaffé, as Qimonda’s foreign administrator, filed a request for recognition of a foreign main proceeding under 11 U.S.C. §1515 and a motion for provisional injunctive relief pending recognition of the foreign main proceeding. He sought preliminary application of §362(a) to stay the ITC proceeding as to Qimonda. This court granted the provisional relief requested. *In re*

¹Section 362(b)(4) excludes only acts under subsection 1, 2, 3 and 6 of §362(a). Acts by governmental units covered under subsections 4, 5, 7 and 8 are stayed.

Qimonda AG, 2009 WL 2210771 (Bankr.E.D.Va. 2009). The court later entered a recognition order recognizing the German insolvency proceeding as a foreign main proceeding 11 U.S.C. §1517. The automatic stay arises upon entry of a recognition order. 11 U.S.C. §1520. LSI and the ITC argued at the recognition hearing that the automatic stay did not apply to the ITC proceeding because the proceeding was an enforcement proceeding under the ITC's police and regulatory powers. This Memorandum Opinion addresses that question.

Proceedings Pending before the ITC

LSI Corporation and Agere Systems, Inc., initiated an action against twenty respondents, including Qimonda, before the ITC under §337 of the Tariff Act of 1930, 19 U.S.C. §1337, *et seq.* They alleged that the respondents were infringing their patents and sought an order prohibiting any infringing devices from being imported into the United States. *In the Matter of Certain Semiconductor Integrated Circuits Using Tungsten Metallization*, Inv. No. 337-TA-648. Several respondents settled with LSI and Agere and were dismissed as parties to the action. The ITC reviewed and approved the settlements. In addition to the parties, the Office of Unfair Import Investigations, which is separate from the Commission itself, also participated in the case. It filed pleadings and argued motions, but the laboring oar was, and continues to be, pulled by the parties themselves. The action was pending before an administrative law judge when the recognition order was entered and the automatic stay became effective. The matter had been fully briefed and was ready for trial before the administrative law judge.

Discussion

Section 362(b)(4) states:

(b) The filing of a petition under section 301, 302, or 303 of this title . . . does not operate as a stay – . . .

(4) under paragraph (1), (2), (3), or (6) of subsection (a) of this section, of the commencement or continuation of an action or proceeding by a governmental unit . . . to enforce such governmental unit's . . . police and regulatory power, including the enforcement of a judgment other than a money judgment, obtained in an action or proceeding by the governmental unit to enforce such governmental unit's or organization's police or regulatory power.

11 U.S.C. §362(b)(4).

Section 362(b)(4) requires three elements: (1) a governmental unit (2) that is commencing or continuing an action or proceeding (3) to enforce that governmental unit's police or regulatory power. Two questions are presented: Is the action pending before the ITC the continuation of an action *by* the ITC? Is the action an enforcement of the ITC's police and regulatory power?

Continuation of Action by Governmental Unit

The governmental unit must be the moving party, the party enforcing its police and regulatory power. The statutory language is clear: There must be a commencement or continuation of an action “*by* a governmental unit” and the police and regulatory power sought to be enforced must be “*such* governmental unit's” police and regulatory power. 11 U.S.C. §362(b)(4) (emphasis added). The plain meaning of the provision is that a governmental unit must bring the action, not a private party. *See* Collier on Bankruptcy §362.05 (15th ed. Rev., 2010).

Actions brought by private entities are not within the exception of §362(b)(4). In *Hudson River Sloop Clearwater, Inc. v. Revere Copper and Brass, Inc.*, (*In re Revere Copper and Brass*,

Inc.), 32 B.R. 725 (S.D.N.Y.1983), Hudson River Sloop Clearwater, Inc., and National Resources Defense Council, Inc., two private, non-governmental entities, filed a suit against Revere Copper and Brass, Inc., which had filed a chapter 11 petition in bankruptcy almost a month before the suit was filed. *Id.* at 726. The debtor successfully sought to enjoin the suit and hold the plaintiffs in contempt for violating the automatic stay. On appeal to the District Court, the plaintiffs argued that “they should be given the status of a governmental unit” and that because they were “in the position of private attorney generals seeking to enforce the environmental laws they should be given the same status as governmental units with respect to” the debtor, that is, that the exception under §362(b)(4) should apply to them as well. *Id.* at 727. The District Court disagreed and affirmed the Bankruptcy Court. It stated:

Not only is this provision explicitly limited to true governmental entities, but the legislative history of this definitional section provides:

Entities that operate through state action such as through the grant of a charter or license, and have no further connection with the state or federal government are not within the contemplation of the definition.

H.R.Rep. No. 595, 95th Cong., 1st Sess. 311 (1977); S.Rep. No. 989, 95th Cong., 2d Sess. 24 (1978), U.S.Code Cong. & Admin.News, pp. 5787, 5810, 6268.

Clearly, both the statutory language and the legislative history demonstrate that the term “governmental unit” in the bankruptcy code refers exclusively to actual governmental groups and not to organizations acting in a governmental capacity. The exception to the automatic stay for governmental units was intended to allow state, federal or foreign entities to continue to proceed or to commence actions against debtors.

Id. at 727. *See also United States v. Environmental Waste Control, Inc.*, 131 B.R. 410, 422 (N.D.Ind.1991) (§362(b)(4) is confined to governmental authorities seeking to enforce regulations).

The ITC argues that it is the moving party and that LSI and Agere are simply complaining parties. This argument requires an examination of the roles of the ITC on the one hand and LSI and

Agere on the other. LSI and Agere initiated the proceeding. The proceeding is pending before an administrative law judge, not the Commission itself.

LSI and Agere have controlled the litigation from the beginning. The ITC does not control the litigation before the administrative law judge. LSI and Agere negotiated settlements with various respondents who have been dismissed from the case. The ITC did not participate in the negotiation of the settlements. The administrative law judge hearing the matter did not participate in the negotiations of the settlements. There is no indication that the staff attorneys from the Office of Unfair Import Investigations had any significant participation either. It is true that the ITC approved the settlements, but this is little different from a bankruptcy court approving settlements or any other court granting motions to dismiss a party from the case.

The participation of the Office of Unfair Import Investigations is not control over the proceedings. There are three parties or groups of parties: the complainant who is asserting the validity of a patent; the respondent who is alleged to have infringed the patent; and a staff investigative attorney from the Office of Unfair Import Investigations. The staff attorney participates in the proceeding by filing pleadings and arguing matters before the administrative law judge, but he does not control or direct either the complainant's actions or the respondent's actions.

The closest that the ITC comes to controlling the litigation is the standing rules of procedure it promulgated. They are similar to the Federal Rules of Civil Procedure. *See* Rules of Practice and Procedure, 19 C.F.R. parts 201 and 210. They are applicable to all such actions and are intended to be fair and evenhanded to all the participants. They assist in the orderly disposition of matters before the administrative law judges. They do not influence the substantive rights of the parties and are not control over the litigation.

The reality is that the ITC and its administrative law judges are the forum before whom the action was brought by LSI and Agere and who are seeking the protection of their property rights. The proceeding is adversarial and subject to the adjudicative provisions of the Administrative Procedure Act, 5 U.S.C. §§551, *et seq.* The administrative law judge makes an initial determination which contains findings of fact and conclusions of law with respect to the issues in controversy. In this action, those issues include the validity of the patents, the scope of the patents, the infringement of the patents, and the scope of any licenses previously granted. Any party may petition the ITC to review the initial determination and to modify or reverse it. The ITC may also review the initial determination on its own motion. Rather than being the governmental unit that is enforcing the patents, the ITC is the forum before which private litigants are enforcing their patents. The action is not being prosecuted *by* the ITC, but *before* the ITC. LSI and Agere are prosecuting it. The exception of 11 U.S.C. §362(b)(4) is not applicable.

Police or Regulatory Power

The Court of Appeals for the Fourth Circuit set out the test for determining whether a particular action by a governmental unit is an exercise of its police or regulatory power. It stated:

The difficulty in applying this exception comes in distinguishing between situations in which the state acts pursuant to its “police and regulatory power” and situations in which the state acts merely to protect its status as a creditor. To make this distinction, we look to the purpose of the law that the state is attempting to enforce. If the purpose of the law is to promote “public safety and welfare,” *Universal Life Church, Inc. v. United States (In re Universal Life Church, Inc.)*, 128 F.3d 1294, 1297 (9th Cir.1997), or to “effectuate public policy,” *NLRB v. Edward Cooper Painting, Inc.*, 804 F.2d 934, 942(6th Cir.1986) (internal quotation marks omitted), then the exception applies. On the other hand, if the purpose of the law relates “to the protection of the government's pecuniary interest in the debtor's property,” *Universal Life Church*, 128 F.3d at 1297, or to “adjudicate private rights,” *Edward Cooper Painting*, 804 F.2d at 942(internal quotation marks omitted), then the

exception is inapplicable. The inquiry is objective: we examine the purpose of the law that the state seeks to enforce rather than the state's intent in enforcing the law in a particular case. *See United States v. Commonwealth Cos. (In re Commonwealth Cos.)*, 913 F.2d 518, 523 n. 6 (8th Cir.1990); *United States v. Grooms*, No. Crim. A. 96-00071-C, 1997 WL 578752, at *3 (W.D.Va. Aug.29, 1997).

Safety-Kleen, Incorporated (Pinewood) vs. Wyche (In re Safety Kleen Corporation), 274 F.3d 846, 865 (4th Cir. 2001).

Safety-Kleen sets out two tests to determine the applicability of §362(b)(4): the pecuniary interest test and the private rights test. *EEOC v. McLean Trucking Co.*, 834 F.2d 398, 401 (4th Cir. 1987 (applying private rights test); *In re Cutting Edge Enterprises, Inc.*, 372 B.R. 255, 262 (Bankr.M.D.N.C.2007) (applying pecuniary interest test). The pecuniary interest test addresses the question of whether the governmental unit is acting to further public health, safety or welfare as opposed to furthering the governmental unit's own pecuniary interest. There must be a recognizable public purpose and if there is, it may not be used as a ruse to further the governmental unit's pecuniary interest. The private rights test addresses the question of whether the governmental unit is acting to further public health, safety or welfare as opposed to furthering a private party's rights. Again, there must be a recognizable public purpose and if there is, it may not be used as a ruse to further the rights of a private party.

The Court of Appeals recognized that many actions contain both a public purpose and either a governmental unit's own pecuniary interest or a private party's rights. *Safety-Kleen*, 274 F.3d at 865-866. Many statutes have dual (or even multiple purposes) and, for a creative lawyer, it is easy to find a public purpose in every statute. *Chao v. Hospital Staffing Services, Inc.*, 270 F.3d 374, 389 (6th Cir. 2001) ("All acts of Congress by definition declare national policy, and lawsuits to enforce those acts necessarily effectuate the public policy of the United States."). If the test were simply to find a public purpose or a public policy, virtually all actions brought by governmental units would

be excluded from §362(a) by virtue of §362(b)(4). The exception would devour the rule. The Court of Appeals for the Fourth Circuit discussed the problem. It stated:

Of course, many laws have a dual purpose of promoting the public welfare as well as protecting the state's pecuniary interest. The fact that one purpose of the law is to protect the state's pecuniary interest does not necessarily mean that the exception is inapplicable. Rather, we must determine the primary purpose of the law that the state is attempting to enforce. *See Yellow Cab Coop. v. Metro Taxi, Inc. (In re Yellow Cab Coop.)*, 132 F.3d 591, 597 (10th Cir.1997); *Javens v. City of Hazel Park (In re Javens)*, 107 F.3d 359, 367-68 (6th Cir.1997); *EEOC v. Rath Packing Co.*, 787 F.2d 318, 324 (8th Cir.1986). *But see Universal Life Church*, 128 F.3d at 1299 ("Only if the action is pursued *solely* to advance a pecuniary interest of the governmental unit will the automatic stay bar it." (emphasis added) (internal quotation marks omitted)). Likewise, the fact that the state action requires the debtor to make an expenditure does not necessarily mean that the regulatory exception is inapplicable. *See, e.g., Commonwealth Oil Refining Co. v. EPA (In re Commonwealth Oil Refining Co.)*, 805 F.2d 1175, 1186 (5th Cir.1986) (holding that the EPA could force debtor to comply with environmental regulations even though compliance would cause debtor to spend money).

Safety-Kleen, 274 F.3d at 865-866.

An action is not an action to enforce a police and regulatory power if the governmental unit is seeking primarily to further its pecuniary interests. *In re Thomassen*, 15 B.R. 907, 909 (9th Cir. BAP 1981). The governmental unit is acting in its capacity as a creditor, not in its capacity as protector of the public's health or safety. *See e.g., F.T.C. v. AmeriDebt*, 343 F.Supp.2d 451 (D.Md.2004). Such actions fall outside the scope of the §362(b)(4) exception. The purpose of the Bankruptcy Code is to resolve debtor-creditor issues. The automatic stay furthers this public policy. In a liquidation case, it enables the trustee to assemble the debtor's assets, reduce them to money and distribute them in accordance with the distribution scheme established by Congress. In a reorganization case, it gives the debtor a brief respite to attempt to restructure its financial affairs and repay its creditors. When a governmental unit seeks to exercise its creditor remedies under the guise of its police or regulatory powers, it disrupts the bankruptcy proceeding to the detriment of

other creditors. *See Board of Supervisors for the County of Campbell v. Royal (In re Royal)*, 137 Fed.Appx. 537 (4th Cir.2005) (unpublished opinion).

An action is not an action to enforce a police and regulatory power if the governmental unit is seeking primarily to further private rights. *EEOC v. McLean Trucking Co.*, 834 F.2d at 401. In *McLean Trucking*, the EEOC sued McLean Trucking which was in bankruptcy. The suit sought an injunction against further discrimination and back pay for several affected employees. The Court of Appeals easily found that a suit for injunctive relief was within the police and regulatory exception to the automatic stay. The real issue was the back pay issue. The back pay would be paid solely to the affected employees. This looked like the government suing to enforce the private rights of the affected employees by merely substituting itself for a private party. The exclusion under §362(b)(4) is for the benefit of the public, not private parties. Private parties should not be able to achieve indirectly what they may not achieve directly. *See also E.E.O.C. v. Rath Packing Co.*, 787 F.2d 318 (8th Cir.1986).

The Court of Appeals had to determine the primary purpose of the Equal Employment Opportunity Act because the public purpose of the Act and the private rights of interested parties were intertwined. *Safety-Kleen*, 274 F.3d at 865. In *McLean Trucking Co.*, the Court of Appeals found that the additional prayer for back pay effectuated the strong public policy of eliminating discrimination in the workplace which was the primary purpose of the statute. 834 F.2d at 402. *See also In re Cloverleaf Enterprises, Inc.*, 2009 WL 3066643 (Bankr.D.Md.2009.)

The ITC argues that the public policy underlying the Tariff Act of 1930 is the protection of domestic industries from patent infringement. The remedy is preventing infringing articles from being imported into the United States. This public policy is not sufficient. It is as stated in *Chao*

v. Hospital Staffing Services, Inc., the type that can be found in every public law. It is unlike the public policy prohibiting racial, gender or age discrimination in the workplace. The public policy argument is belied in this case by the fact that several respondents were dismissed from the ITC action because they entered into a settlement with LSI and Agere. Settlements are within the province of the private litigants, although subject to approval by the ITC. The terms of the settlement agreements were not presented at the hearing. It is not known how they protected domestic industry, but it is not difficult to infer that such settlements generally require the respondent to pay a license fee to LSI and Agere. They do not change the essential dynamics of the domestic market and are the same results that can be achieved in a patent infringement suit. A patent infringement suit is not within the ambit of §362(b)(4). It is brought by a private litigant for its own benefit. The resolution affects the parties but not the essential dynamics of domestic industry. The result in a patent infringement case and an ITC action are essentially the same. The remedy in an ITC action is broader as to imported goods, but does not affect domestically produced goods. The primary purpose of the applicable provisions of the Tariff Act of 1930 is to protect patent holders. The action is primarily for the benefit of the private parties.

Spancion, Inc., 418 B.R. 84 (Bankr.D.Del.2009) addressed the same issue. It found that “the ITC offered a public policy argument in broad strokes only, and presented no specific evidence that the public interest does and should outweigh the considerations involving adjudication of the private dispute between Spancion and Samsung.” *Id.* at 95. That Bankruptcy Court concluded that the ITC was not exercising its police and regulatory power and that the action was not exempt from the automatic stay under Bankruptcy Code § 362(b)(4). *Id.* at 95. This case is no different from *Spancion*. While there is no pecuniary gain for the government in an ITC action, there is also no

significant public policy advanced by the ITC action presented in this case. LSI's and Agere's objectives were to enforce their patent rights against private parties for their own benefit. The ITC action furthers the goal of preventing unfair competition at best only incidentally. If the ITC action were brought by the ITC – which it is not – the ITC would be doing so for the private benefit of LSI and Agere.

Conclusion

The pending ITC action does not satisfy the pecuniary interest test and the private rights test. The particular action now pending before the ITC is not within the ambit of §362(b)(4). It is stayed by the automatic stay.

Alexandria, Virginia
February 16, 2010

/s/Robert G. Mayer

Robert G. Mayer
United States Bankruptcy Judge

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